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H - 27

International Court of Justice

H0027-0002

Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nürnberg, Germany, on 2 January 1946, 1000-1245, Lord Justice Lawrence, presiding.

THE PRESIDENT: I call on the Counsel for the United States.

COL. STOREY: If the Tribunal please, when your Honors adjourned on 20 December we were presenting the Gestapo and had referred to the use of the death vans by the Einsatz Groups in the Eastern Occupied Territories, and had almost concluded that phase of the presentation. Your Honors will recall we had referred to the use of some death vans made by the Saurer Works, and the final reference that I want to make in that connection is to a telegram attached to Document 501-PS, which is not necessary to read, which establishes the fact that the same make of truck or vans was the death van used by the Einsatz Groups.

The final document in connection with the Einsatz Groups in the Eastern Occupied Territories we desire to offer is Document 2992-PS, and I believe it is in the second volume of the document book. This is an affidavit made by Hermann Graebe. Hermann Graebe is at present employed by the United States Government in Frankfurt. The affidavit was made at Weisbaden, and I offer excerpts from affidavit 2992-PS, US Exhibit 494.

This witness was at the head of a construction firm that was doing some building in the Ukraine, and he was an eye-witness to the anti-Jewish actions at the town of Rowno, R-o-w-n-o, Ukraine, on 13 July 1942, and I refer to the part of the affidavit which is on page 5 of the English translation - 2992. Beginning at the first:

"From September 1941 until January 1944 I was manager and engineer-in-charge of a branch office in SDOLBUNOW, Ukraine, of the Soligen building firm of Josef Jung. In this capacity it was my job to visit the building sites of the firm. The firm had, among others, a site in ROWNO, Ukraine.

"During the night of 13th July 1942 all inhabitants of the Rowno Ghetto, where there were still about 5000 Jews, were liquidated.

H0027 - 0003

"I would describe the circumstances of my being a witness of the dissolution of the Ghetto, and the carrying out of the pogrom during the night and morning, as follows:

"I employed for the firm, in ROWNO, in addition to Poles, Germans, and Ukrainians about 100 Jews from Sdolbunow, Ostrog, and Mysotch. The men were quartered in a building, 5 Bahnhofstrasse, inside the Ghetto, and the women in a house at the corner of Deutsche Strasse,-98.

"On Saturday, 11 July 1942, my foreman, Fritz EINSPORN, told me of a rumor that on Monday all Jews in ROWNO were to be liquidated. Although the vast majority of the Jews employed by my firm in ROWNO were not natives of this town, I still feared that they might be included in this pogrom which had been reported. I therefore ordered EINSPORN at noon of the same day to march all the Jews employed by us - men as well as women - in the direction of SDOLBUNOW, about 12 km from ROWNO. This was done.

"The Senior Jew had learned of the departure of the Jewish workers of my firm. He went to see the Commanding Office of the Rowno SIPO and SD, SS Major (SS Sturmbannfuehrer) Dr. PUTZ, as early as the Saturday afternoon to find out whether the rumor of a forthcoming Jewish pogrom - which had gained further credence by reason of the departure of Jews of my firm - was true. Dr. PUTZ dismissed the rumor as a clumsy lie, and for the rest had the Polish personnel of my firm in Rowno arrested. Einsporn avoided arrest by escaping from Sdolbunow. When I learned of this incident I gave orders that all Jews who had left Rowno were to report back to work in Rowno on Monday, 13 July 1942. On Monday morning I myself went to see the Commanding Office, Dr. PUTZ, in order to learn, for one thing, the truth about the rumored Jewish pogrom and secondly to obtain information on the arrest of the Polish office personnel. SS Major PUTZ stated to me that no pogrom whatever was planned. Moreover, such a pogrom would be stupid because the firms and the Reichsbahn would lose valuable workers.

"An hour later I received a summons to appear before the Area Commissioner of ROWNO. His deputy, Stableiter and Cadet Office BECK, subject me to the same questions as I had undergone at the SD. My explanation

H0027 – 0004

that I had sent the Jews home for urgent delousing appeared plausible to him. He then told me - making me promise to keep it a secret - that a pogrom would in fact take place in the evening of Monday 13 July 1945. After lengthy negotiation I managed to persuade him to give me permission to take my Jewish workers to Sdolbunow - but only after the pogrom had been carried out. During the night it would be up to me to protect the house in the Ghetto against the entry of Ukrainian militia and SS. As confirmation of the discussion he gave me a document, which stated that the Jewish employees of Messrs. Jung were not affected by the pogrom."

And this original which I hold in my hand, I will now pass to the translator for reading. I call the attention of your Honors to the fact that it has the letterhead of Dr. Gebiets, Commissar in Rowno, and it is dated the 13th of July 1942, and it is signed by this area commissioner. I now read this document:

"The Area Commissioner" - which means Gebietskommissar - Rowno".

"Secret.

Addressed: "Messrs. JUNG, Rowno.

"The Jewish workers employed by" - I beg your pardon. This part is previous to that on page 4 of the English translation. It is just the page before. I continue reading:

"The Jewish workers employed by your firm are not affected by the pogrom" - in parentheses "Aktion". As I understand, that means action.

"You must transfer them to their new place of work by Wednesday, 15 July 1942, at the latest." Signed by the Area Commissioner Beck. And then, the stamp - the official stamp of the Area Commissioner at Rowno.

Now just the following paragraph on the original, page 5 or 6, I believe it is, one more paragraph I would like to read after the reference "Original attached."

H0027 - 0005

"On the evening of this day I drove to ROWNO and posted myself with Fritz EINSPORN in front of the house in the Bahnhofstrasse in which the Jewish workers of my firm slept. Shortly after 22.00 the Ghetto was encircled by a large SS detachment and about three times as many members of the Ukrainian militia. Then the electric arclights which had been erected in and around the Ghetto were switched on. SS and militia squads of 4 to 6 men entered or at least tried to enter the houses. Where the doors and windows were closed and the inhabitants did not open at the knocking, the SS men and militia broke the windows, forced the doors with beams and crowbars and entered the houses. The people living there were driven on to the street just as they were, regardless of whether they were dressed or in bed. Since the Jews in most cases refused to leave their houses and resisted, the SS and militia applied force. They finally succeeded, with strokes of the whip, kicks and blows with rifle butts in clearing the houses. The people were driven out of their houses in such haste that small children in bed had been left behind in several instances. In the street women cried out for their children and children for their parents. That did not prevent the SS from driving the people along the road, at running pace, and hitting them, until they reached a waiting freight train. Car after car was filled, and the screaming of women and children, and the cracking of whips and rifle shots resounded unceasingly. Since several families or groups had barricaded themselves in especially strong buildings, and the doors could not be forced with crowbars or beams, these houses were now blown open with handgrenades. Since the Ghetto was near the railroad tracks in Rowno, the younger people tried to get across the tracks and over a small river to get away from the Ghetto area. As this stretch of country was beyond the range of the electric lights, it was illuminated by signal rockets. All through the night these beaten, hounded and wounded people moved along the lighted streets. Women carried their dead children in their arms, children pulled and dragged their dead parents by their arms and legs down the road toward the train. Again and again the cries "Open the Door!" "Open the door!" echoed through the Ghetto."

H0027 - 0006

I will not read any more of this affidavit. It is a very long one. There is also a second affidavit, but the part I wanted to emphasize is the fact that the original exemption was signed by the Area Commissioner, and that the SD and the SS participated in this action.

THE PRESIDENT: Oughtn't you to read the rest of that page, Colonel Storey?

COL. STOREY: All right, sir. I really had eliminated that because I thought it might be repetitious.

"About 6 o'clock in the morning I went away for a moment, leaving behind Einsporn and several other German workers who had returned in the meantime. I thought the greatest danger was past and that I could risk it. Shortly after I left, Ukrainian militia men forced their way into 5 Bahnhof strasse and brought 7 Jews out and took them to a collecting point inside the Ghetto. On my return I was able to prevent further Jews from being taken out. I went to the collecting point to save these 7 men. I saw dozens of corpses of all ages and both sexes in the streets I had to walk along. The doors of the houses stood open, windows were smashed. Pieces of clothing, shoes, stockings, jackets, caps, hats, coats, etc., were lying in the street. At the corner of a house lay a baby, less than a year old with his skull crushed. Blood and brains were spattered over the house wall and covered the area immediately around the child. The child was dressed only in a little shirt. The commander, SS Major Pütz, was walking up and down a row of about 80 - 100 male Jews who were crouching on the ground. He had a heavy dog whip in his hand. I walked up to him, showed him the written permit of Stabsleiter Beck and demanded the seven men whom I recognized among those who were crouching on the ground. Dr. Pütz was furious about Beck's concession and nothing could persuade him to release the seven men. He made a motion with his hand encircling the square and said that anyone who was once here would not get away. Although he was very angry with Beck, he ordered me to take the people from 5 Bahnhofstrasse out of ROWNO by 8 o'clock at the latest. When I left Dr. Pütz, I noticed a Ukrainian farm cart, with two horses. Dead people with stiff limbs were

H0027 – 0007

lying on the cart. Legs and arms projected over the side boards. The cart was making for the freight train. I took the remaining 74 Jews who had been locked in the house to Sdolbunow."

"Several days after the 13th of July 1942 the Area Commissioner of Sdolbunow, Georg Marschall, called a meeting of all firm managers, railroad superintendents, and leaders of the Organization Todt and informed them the the firms etc., should prepare themselves for the "resettlement" of the Jews which was to take place almost immediately. He referred to the progra in ROWNO where all the Jews had been liquidated, i.e. had been shot near KOSTOLPOL."

Finally, his signature is sworn to on the 10th of November 1945.

THE PRESIDENT: What nationality is Graebe?

COL. STOREY: He is a German. Graebe was a German, and is now in the employ of the Military Government at Frankfurt -- the United States Military Government.

Your Honor, in that connection there is another separate affidavit attached to this which is a part of the same document, which I will not attempt to read. But it has to do with the execution of some people in another area, and is along the same line. I am not reading it because it would be cumulative, but it is a part of this same document.

I not pass from that subject to the next subject.

The Gestapo and SD stationed special units in prisoner-of-war camps for the purpose of screening out racial and political undesirables and executing those who were screened out. The program of mass murder of political and racial undesirables carried on against civilians was also applied to prisoners of war who were captured on the Eastern Front. In this connection I call the attention of the Tribunal to the testimony of General Lahousen, which your Honors will recall, on the 30th of November, 1945. Lahousen testified to a conference which took place in the summer of 1941, shortly after the beginning of the campaign against the Soviet Union, which was attended by himself; and I want to emphasize this, because we will later have a document that emanated from this conference, attended

H0027 - 0008

by himself, General Reinecke, Colonel Breuer, and Mueller, the head of the Gestapo. At this conference the command to kill Soviet functionaries and Communists among the Soviet prisoners of war was discussed. The executions were to be carried out by Einstaz Commandos of the SIPO and the SD.

Lahousen further recalled that Mueller, who was the head of the Gestapo, insisted on carrying out the program, and that the only concession he made was that, in deference to the sensibilities of the German troops, the executions would not take place in the presence of the troops. Mueller also made some concessions as to the selection of the persons to be murdered; but, according to Lahousen, the selection was left entirely to the commanders of these screening units. I refer to page 633 of the Official Transcript.

Now I offer Document 502-PS as the next exhibit, US Exhibit 486. This document is a Gestapo directive, 502-PS, in the first document book. This document is a Gestapo directive of the 17th of July, 1941.

If you will recall, Lahousen said this conference was in the summer of 1941.

It is addressed to commanders of the SIPO and SD stationed in camps, and provides in part as follows, and I read from the first page of the English translation.

Now, if the Tribunal please, our colleagues, the Soviet Prosecutors, will present most of that document, and I am only going to read enough to show that the Gestapo were the ones that took part in it. From the beginning:

H0027 - 0009

"The activation of commands will take place in accordance with the agreement of the Chief of the Security Police and Security Service and the Supreme Command of the Armed Forces as of 16 July 1941. Enclosure 1.

"The commands will work independently according to special authorization and in consequence of the general regulations given to them in the limits of the camp organizations. Naturally the commandos will keep close contact with the camp commander and the defense officer assigned to him.

"The mission of the commandos is the political investigating of all camp inmates, the elimination and further treatment --

"a. Of all political, criminal, or in some way other undesirable elements among them;

"b. Of those persons who could be used for the reconstruction of the occupied countries."

Now I skip to the beginning of the 4th paragraph:

"The commandos must use for their work as far as possible at present, and even later, the experiences of the camp commanders which the latter have collected; meanwhile, from observation of the prisoners and examination of the camp inmates. Further, the commandos must make efforts from the beginning to seek out among the prisoners elements which would appear reliable, regardless if there are communists concerned or not, in order to use them for intelligence purposes inside of the camp, and, if advisable, later in the occupied territories also.

"By using such informers, and by use of all other existing possibilities, the discovery of all elements to be eliminated among the prisoners must succeed step by step at once. The commandos must learn for themselves in every case by means of short questioning of the informer, and eventual questioning of other prisoners. The information of one informer is not sufficient to designate a camp inmate to be a suspect without further proof. It must be confirmed in some way, if possible.

Now I skip to page 4, the 3rd paragraph of the English translation, quoting:

H0027-0010

"Executions are not to be held in the camp or in the immediate vicinity of the camp. If the camps in the general government are in the immediate vicinity of the border, then the prisoners are to be taken for special treatment, if possible, into the former Soviet territory."

And then the 5th paragraph:

"In regard to executions to be carried out, and to the possible removal of reliable civilians and the removal of informers for the Einsatzgruppe in the occupied territories, the leader of the Einsatzkommandos must make an agreement with the nearest state police office, as well as with the commandant of the Security Police unit and Security Service, and beyond these, with the Chiefof the Einsatzgroup concerned in the occupied territories."

Proof that persons so screened out of the prisoner of war camps by the Gestapo were executed, is to be found in Document 1165-PS, from which I did not intend to quote, and which has been previously introduced as U.S. Exhibit 244. Document 1165-PS shows that those that had been screened out were executed.

The first page of that document, without reading it, is a letter from the Camp Commandant of the concentration camp Gross Rosen to Mueller, who was the Chief of the Gestapo, dated the 23rd of October, 1941, referring to a previous oral conference with Mueller, and setting forth the names of 20 Soviet prisoners of war executed the previous day.

The second page -- I'm still referring to 1165 but not reading from it, because it has already been quoted from -- is a directive issued by Mueller on the 9th of November, 1941, to all Gestapo offices, in which he ordered that all diseased prisoners of war should be excluded from transports to concentration camps for execution, because five to ten percent of those destined for execution were arriving in the camps dead or half-dead.

I now offer Document 2542 -PS, U.S. Exhibit 489, 2542-PS is in the second volume. This is an affidavit of Kurt Lindow, a former Gestapo official, which was taken on the 30th of September, 1945, at Oberursel,

H0027-0011

Germany, in the course of an official military investigation by the United States Army, and I quote from that document from the beginning:

"I was Kriminaldirektor in Section IV of the RSHA" -

I call Your Honors' attention to the chart on the board that he was Director of Section IV and head of the Sub-section IV A 1 -

(continuing) "from the middle of 1942 until the middle of 1944. I have the rank of SS-Sturmbannfuehrer.

"From 1941 until the middle of 1943, there was attached to subsection IV A 1 (which is not shown on this chart, but has previously been described in the beginning) a special department that was headed by the Regierungsoberinspektor, later Regierungsautmann, and SS-Hauptsturmbannfuehrer Franz Koenigshaus. In this department were handled matters concerning prisoners of war. I learned from this department that instructions and orders by Reichsfuehrer Himmler, dating from 1941 and 1942, existed, according to which captured Soviet-

H0027 - 0012

"Russian political Commissars and Jewish soldiers were to be executed. As far as I know, proposals for execution of such PW's were received from the various PW camps. Koenigshaus had to prepare the orders for execution, and submitted them to the chief of Section IV, Mueller, for signature (Mueller being the head of the Gestapo). These orders were made out so that one order was to be sent to the agency making the request, and a second one to the concentration camp designated to carry out the execution. The PW's in question were at first formally released from PW status, then transferred to a concentration camp for execution.

"The department chief, Koenigshaus, was under me in disciplinary questions from the middle of 1942 until about the beginning of 1943, and worked, in matters of his department, directly with the chief of Group IV A, Regierungsrat Panzinger. Early in 1943, the department was dissolved, and absorbed into the departments in subsection IV B. The work concerning Russian PW's must then have been done by IV b 2a. Head of Department IV b 2a was Regierungsrat and Sturmbannfuehrer Hans Helmut Wolf.

"There existed in the PW camps on the Eastern front small screening teams (Einsatzkommandos), headed by lower ranking member of the Secret Police or Gestapo. These teams were assigned to the camp commanders and had the job to segregate the PW's who were candidates for execution, according to the orders that had been given, and to report them to the Office of the Secret Police."

I will not read the remainder of that affidavit.

Passing from that phase of the case, the next subject is: The Gestapo and SS sent recaptured prisoners of war to concentration camps, where they were executed, that is, prisoners of war who had escaped and were recaptured. The Tribunal will recall that in a document heretofore introduced, 1650-PS, was an order which the Chief of the Security Police and SS instructed regional Gestapo Offices to make certain classes of recaptured officers from camps and to transport them to Mauthausen Concentration Camp, under the operation known as "Kugel". That, if your Honor recalls, means "Bullet". That is the famous "Bullet" Decree that has been previously introduced. On the journey, the prisoners of war were to be placed in irons.

H0027 - 0013

The Gestapo officers were to make semi-annual reports, giving numbers only, of the sending of these prisoners of war to Mauthausen. On the 27th of July, 1944, an order was issued from the VI Corps Area Command on the treatment of prisoners of war. That is Document 1514-PS in the second volume, which I offer as U. S. Exhibit 491. This document provided that prisoners of war were to be discharged from prisoner of war status and transferred to the Gestapo under certain circumstances, and I quote from the first page, beginning with the word "Subject", quoting:

"Subject. Delivery of prisoners of war to the secret state police.

Enclosed is the decree 1) referred to.

The following, summarizing ruling is issued with respect to the delivery to the secret state police:

"1.) a)According to the decrees 2) and 3), the commander of the camp has to deliver Soviet prisoners of war in case of punishable offenses to the secret state police and to dismiss them from imprisonment of war, if he does not believe that his disciplinary functions suffice to prescribe punishment for violations committed. Report of the facts is not necessary.

" b) Recaptured Soviet prisoners of war have to be delivered first to the nearest police office in order to ascertain whether punishable offenses have been committed during the escape. The dismissal from imprisonment of war takes place upon suggestion of the police office, (Section A 6 of the decree referred to in No. 4) regarding the contraction of all regulations on the Arbeitseinsatz prisoners of war who have been recaptured and refuse to work.

" c) Recaptured Soviet officers who are prisoners of war, have to be delivered to the Gestapo and to be dismissed from imprisonment of war. (Section C 1 of the decree referred to under 4) and under 5).

" d) Soviet officer prisoners of war, who refuse to work and those who distinguish themselves as agitators and have an unfavorable influence upon the willingness to work of the other prisoners of war have to be delivered by the responsible Stalag to the nearest state police office and to be dismissed from imprisonment of war. (Section C 1 of the decree referred to under 4) and 5).

H0027 - 0014

" e) Soviet enlisted prisoners of war refusing to work who are ring-leaders and those who distinguish themselves as agitators and therefore have an unfavorable influence upon the willingness to work of the other prisoners of war, have to be delivered to the nearest state police office and to be dismissed from imprisonment of war. (Section C 2 of the decree, referred to in 4).

" f) Soviet prisoners of war (enlisted men and officers), who with respect to their political attitude have been sifted out by the special purpose command (Einsatzkommando) of the security police and the security service, have to be delivered upon request by the camp commander to the special prupose command and to be dismissed from imprisonment of war (Decree referred to in 6).

" g) Polish prisoners of war have to be delivered if acts of sabotage are proven, to the nearest state police office and to be dismissed from imprisonment of war. The decision rests with the camp commander. Report of the deed is not necessary (Decree referred to under 27).

"2) A report on the delivery and dismissal from imprisonment of war in the cases mentioned under #1) of this decree, to the Mil. District Command VI, dept of prisoners of war, is not necessary.

"3) Prisoners of war from all nations have to be delivered to the secret state police and to be dismissed from imprisonment of war, if a special order of the OKW or of the Mil. District Command VI, dept. for prisoners of war, is issued.

"4) Prisoners of War under suspicion of participating in illegal organizations and resistance movements have to be left upon request to the Gestapo for the purpose of interrogation. They remain prisoners of war and have to be treated as such. The delivery to the Gestapo and their dismissal from imprisonment of war has to take place only by order of the OKW or of the Mil. District Command VI, dept of prisoners of war.

In case of French and Belgian prisoners of war and interned Italian military personnel, approval of Mil. District command VI, dept of prisoners of war, has to be obtained — if necessary by phone — before delivery to the Gestapo for the purposes of interrogation."

H0027 - 0015

This decree was known as the "Bullet Decree." Prisoners of war, sent to Mauthausen Concentration Camp under the decree, were executed.

I now offer in support of that statement Document 2285-PS, U.S. Exhibit 490. It is in the second volume. Document 2285-PS is an affidavit of Lt. Col. Guivante de Saint Gast, and Lt. Jean Veith, both of the French Army, which was taken on the 13th of May 1945, in the course of an official military investigation by the United States Army. The affidavit discloses that Lt. Col. Gast was confined at Mauthausen from 18 March 1944 to 22 April 1945, and that Lt. Veith was confined from 22 April 1943 until 22 April 1945. I quote from the affidavit, beginning with the third paragraph of page 1, quoting:

"In Mauthausen existed several treatments of prisoners, amongst them the "action K or Kugel" (Bullet action). Upon the arrival of transports, prisoners with the mention "K" were not registered, get no numbers and their names remained unknown except for the officials of the Politische Abteilung. (Lt. Veith had the opportunity of hearing upon the arrival of a transport the following conversation between the Untersturmfuehrer Streitwieser and chief of the convoy: 'How many prisoners? '15 but two K'. 'Well, that makes 13').

"The prisoners were taken directly to the prison where they were unclothed and taken to the "Bathrooms". This bathroom in the cellars of the prison building near the crematory was specially designed for execution (shooting and gassing).

"The shooting took place by means of a measuring apparatus. The prisoners being backed towards a metrical measure with an automatic contraption releasing a bullet in his neck as soon as the moving plank determining his height touched the top of his head.

"If a transport consisted of too many"K" prisoners, instead of losing time for the measurement they were exterminated by gas, sent into the bathrooms instead of water."

H0027 - 0016

I now pass to another subject, namely: "The Gestapo was responsible for establishing and classifying concentration camps for committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder."

The Tribunal has already received evidence concerning the responsibility of the Gestapo for the administration of concentration camps, and the authority of the Gestapo for taking persons into protective custody to be carried out in the state concentration camps. The Gestapo also issued orders establishing concentration camps, transforming prisoner of war camps in the concentration camps as internment camps, changing labor camps into concentration camps, setting up special sections for female prisoners, and so forth.

The Chief of the Security Police and SS ordered the classification of concentration camps according to the seriousness of the accusation and the chances for reforming the prisoners, from the Nazi viewpoint. I now refer to Documents 1063A and B in the second volume, U.S. Exhibit 492. The concentration camps were classified as Class I, II or III. Class I was for the least serious prisoners, and Class III was for the most serious. Now, this Document 1063A is signed by Heydrich, and it is dated the 2nd of January 1941. I quote from the beginning, beginning with the word "Subject", quoting:

"Subject: Classification of the Concentration Camps.

"The Reichsfuehrer SS and Chief of the German Police has given his approval to classify the concentration camps into various categories, which take into account the personality of the prisoner as well as the degree of his danger to the State. Accordingly, the concentration camps will be classified into the following categories:

Category I - for all prisoners with only little accusation and definitely qualified for correction; also for special cases and solitary confinement - Camps Dachau, Sachsenhausen and Auschwitz I. The latter also applies in part to Category II.

"Category Ia - for all old prisoners unconditionally qualified for work, who could still be used in the medicinal herb gardens - the Camp Dachau.

H0027 - 0017

"Category II - for prisoners with heavy accusations but still qualified for redemption, re-education and reduction - the Camps Buchenwald, Flossenburg, Auschwitz II.

"Category III - for the heavily accused prisoners, at the same time, also for those who have been previously convicted for criminal offenses; for asocial prisoners, that is to say, those who can hardly be corrected - the Camp Mauthausen."

I call your Honor's attention to the fact that we have been talking about Mauthausen, where the "K" action took place.

The Chief of the Security Police and SD had the authority to fix the length of the period of custody. During the war, it was the policy not to permit the prisoners to know the period of custody and merely to announce the term as "Until further notice." That was established by Document 1531-PS, which has previously been introduced as U.S. Exhibit 248, and the only reason for referring to it is to show that they had the right to fix the length of period ofcustody.

The local Gestapo offices, which made the arrests, maintained a register called the Haftbuch, and as I understand, "Haftbuch" simply means a block or police register. In this register, the names of all persons arrested were listed, together with personal data, grounds of arrest and disposition. When orders were received from the Gestapo Headquarters in Berlin to commit persons who had been arrested to concentration camps, an entry was made in the Haftbuch to that effect.

I now offer in evidence the original of one of these books, and it is L-358, U.S. Exhibit 495. This book was collected by the 3rd Army when it ovverran an area, and it was captured by the T Force on April 22 , 1945, near Bad Sulze, Germany. This book is the original register used by the Gestapo at Tomassow, Poland, to record the names of the persons arrested, the grounds for arrest and disposition made of cases during the period from 1 June 1940 to 20 December 1944.

H0027-0018

In the register are approximately 3,500 names of persons. Approximately 2,200 were arrested for membership in the resistance movements and partisan units. This is a very large book, and I am going to ask the clerk to pass it to your Honors so that you might get a look at it. It is too big to photograph. And if your Honors will just turn to one of the pages, I will read what the different columns provide--just any one of the pages. There is a double column. It starts on the left and goes over to the other side. In the first column, that heading is simply a number of the man when he comes in. The next column is his name. The third column is the family--a brief family history and his religion. The fourth is the domicile. The next shows the date he was arrested, and by whom,--that is the fifth column. The next column, the place of arrest. And then the next column the reason for arrest. And then the next is another number which is apparently a serial number for delivery. And next to the last column is the disposition. And the final column, remarks.

Now, out of the 3,500 names that are shown in that book, your Honors will notice a number of red marks. Those apparently meant the ones that were shot. Of these, 325 were shot. Only thirty-five of that 325 had first been tried. 950 out of this list were sent to concentration camps and 155 sent to the Reich for forced labor. According to this register, similar treatment was accorded persons who were arrested on other grounds, for instance, Communists, Jews, hostages, and persons taken in reprisal. A large number are shown to have been arrested during raids; no further grounds being stated.

I particularly refer your honors to entries 286, 287, and 288, that is, the numbers in the first column of the register, where the crime charged to the person arrested was "als Juden"; in other words, he was a Jew. And by that you will find a red cross mark, and the punishment given was death.

I now pass from this document and simply call attention to Document L-215, which was heretofore introduced as U.S. Exhibit 243. I don't intend to read from it, unless your Honors want to turn to L-215. This is a file of original dossiers on twenty-five Luxembourgers taken into protective custody for commitment to concentration camps. I will just refer to a sentenc of the language in that document. Quoting:

H0027 - 0019

"According to the finding of the State Police he endangers by his attitude the existence and security of the people and the state."

And in each case, with reference to those dossiers, that appears as being the reason for the execution of these twenty-five Luxembourgers. Document L-215. And in connection--

THE PRESIDENT: Colonel Storey, you said execution, did you not?

COLONEL STOREY: I beg your pardon--to concentration camps.

THE PRESIDENT: Yes. There is no evidence they were executed?

COLONEL STOREY: No, sir; they were committed to concentration camps. And also in connection with that same document there is a form provided by which the Gestapo headquarters in Berlin were notified when the persons were received by the concentration camps.

Another document which has heretofore been received as U.S. Exhibit 279, Document 1472-PS, in the second volume,--I am simply going to refer to it as a predicate for another. That was a telegram of 16 December 1942 in which Mueller reported that the Gestapo could round up some 45,000 Jews in connection with the program of obtaining additional labor in concentration camps. And with reference to the same subject, Document 1063-D-PS, which has heretofore been offered as Exhibit 219, Mueller sent a directive to the commanders and inspectors of the Security Police and SD and to the directors of the Gestapo regional offices in which he stated that Himmler had ordered on 14 December 1942 that at least 35,000 persons, who were fit for work, had to be put into concentration camps not later than the end of January.

Now, in that same connection I offer Document L-41, volume I, as U.S. Exhibit 496. This document contains a further directive from Mueller dated the 23rd of March 1943, and supplements the directive of 17 December 1942, to which I refer and in which he states that the measures are to be carried out until 30 April 1943. And I would like to quote from the second paragraph on page three of the exhibit; page three of the English translation of L-41, quoting:

"Care must, however, be taken that only prisoners who are fit for work are transferred to concentration camps, and adolescents only in accordance with the given directives; otherwise, the concentration camps would become overcrowded, and this would defeat the intended aim."

H0027-0020

In that same connection I offer Document 701-PS, U.S, Exhibit 497. This is a letter dated 1 April 1943 from the Minister of Justice to the Public Prosecutors, and also addressed to the Commissioner of the Reich Minister of Justice for the penal camps in Emsland. Quoting:

"Regarding Poles and Jews who are released from the penal institutions of the Department of Justice. Instructions for the independent penal institutions.

"1. With reference to the new guiding principles for the application of Article 1, Section 2, of the decree of 11 June 1940 Reich Legal Gazette I S. 877 - Attachment I of the decree (RV) of 27 January 1943 - 9133/2 enclosure I-III a 2 2629 - the Reich Chief Security Office has directed by the decree of 11 March 1943 - II A 2 number 100/43 - 176:

"(a) Jews, who in accordance with number VI of the guiding principles are released from penal institution, are to be taken by the State Police (Chief) Office competent for the district in which the penal institution is located for the rest of their lives to the concentration camps Auschwitz or Lublin in accordance with the regulations for protective custody that have been issued.

"The same applies of Jews who in the future are released from a penal institution after serving sentence of confinement.

"(b) Poles, who in accordance with number VI of the guiding principles are released from a penal institution, are to be taken by the State Police (Chief) Office competent for the district in which the penal institution is located for the duration of the war to a concentration camp in accordance with the regulations on protective custody that have been issued.

"The same applies in the future to Poles who, after serving a term of imprisonment of more than six months, are to be discharged by a penal institution.

"Conforming to the request of the Chief Office for Reich Security, I ask that in the future:

"(a) All Jews to be discharged;

H0027 - 0021

"(b) All Poles to be discharged;

who have served a sentence of more than six months, be designated for further confinement to the State Police (Chief) Office competent for the district, and are to be placed promptly at its disposal before the end of sentence for conveyance."

And the last paragraph states that this ruling replaces the hitherto ordered return of all Polish prisoners undergoing imprisonment in the Old Reich condemned in the annexed Eastern territory.

The next subject: The Gestapo and the SD Participated in Deportation of Citizens of Occupied Countries for Forced Labor and Handled the Disciplining of Forced Labor.

With reference to the presentation heretofore made concerning forced labor, I do not intend to repeat. However, there were several references to important positions played by the Gestapo and the SD in rounding up persons to be brought into the Reich for forced labor, and references in two or three documents that were introduced. I simply want to cite those documents as showing the part that the Gestapo and SD played. Document L-61, U.S. Exhibit 177. It is set out in this document book--I am simply citing it--it is a letter of the 26th of November 1942 from Fritz Sauckel in which he stated that he had been advised by the Chief of the Security Police and SD under date of 26 October 1942 that during the month of November the evacuation of Poles in the Lublin district would begin in order to make room for the settlement of persons of the German race. The Poles who were evacuated as a result of this measure were to be put into concentration camps for labor so far as they were criminal or anti-social.

The Tribunal will also recall the Christiansen letter, which is our Document 3012-PS, U.S. Exhibit 190. In that letter it is stated that during the year 1943 the program of mass murder carried out by the Einsatz groups in the East should be modified in order to round up hundreds of thousands of persons for labor in the armament industry. That was in 3012-PS, which has heretofore been introduced as U.S. Exhibit 190. And that force was to be used when necessary. Prisoners were to be released so that they could be used for forced labor. When villages were burned down the whole population was to be

HO027 - 0022

placed at the disposal of the labor commissioners.

Now, in that connection the direct responsbility of the Gestapo for disciplining forced workers is shown in our next exhibit, 1573-PS, U.S. Exhibit 498. This is a secret order signed by Mueller himself to the regional Gestapo offices on the 18th of June 1941, and I quote from the document from the beginning. It is addressed:

"To all State Police Administrative Offices, attention SS Sturmbann-fuehrer Nosske or representative at Aachen.

"Subject: Measures to be taken against emigrants and civilian workers who came from the great Russian areas and against foreign workers.

"Reference: None.

"To prevent the unauthorized and arbitrary return of Russian, Ukrainian, White Ruthenians, Cossack, and Caucasian emigrants and civilian workers from the territory of the Reich to the East, and to prevent attempts at disorder by foreign workers in the German production, I decide as follows:

"(1) The managers of the branch offices of the Russian, Ukrainian, White Ruthenian, and Caucasians trustee office as well as the relief committee and the bading members of the Russian, Ukrainian, White Ruthenian, Cossack, and Caucasian emigration organizations are to be notified immediately that they are not allowed to leave their domicile without permission of the Security Police until further notice. Also they are to be told to apply the same measures to the members who are under their care. Their attention is to be called to the fact that they will be arrested because of unauthorized leaving of the place of work and domicile. I request you have a check up of the attendance of branch office leaders if possible by daily requests in these concerns.

"(2) Emigrants and foreign workers are to be arrested if it seems necessary in the situation if there is no doubt of their guilt and if they are under the suspicion of having been active for the U.S.S.R. in transmitting news. The measure is to be in readiness. However, it should not be executed before the pass word "Fremdvoelker" has been transmitted by means of "urgent" telegram.

THE PRESIDENT: Do you think you should read the rest of that?

H0027-0023

COLONEL STOREY: Sir?

THE PRESIDENT: Is it necessary to read the rest of that?

COLONEL STOREY: I don't think so, your Honor.

THE PRESIDENT: We will adjourn now for ten minutes.

(A recess was taken from 1120-1130.)

COLONEL STOREY: If the Tribunal please, I next offer in evidence Document 3360-PS, U.S. Exhibit 499, the second volume. Before I hand this document to the translator I should like to exhibit it to your Honors. It is an original telegram that was sent to the Gestapo office at Nurnberg. It was discovered by the C.I.C., by a Lieutenant Stevens, near Herzburg, Germany, and your Honors will notice that parts of it have been burned. It was in connection with some documents that had been buried and then they were partially burned when they were buried. This is one of the telegrams. It is from the Secret State Police, the State Police Station at Nurnberg and Furth, and it is dated the 12th of February, 1944. I quote from the telegram:

"RSHA Roman 4 F 1 45/44

The border Inspector general.

Urgent - Submit immediately. -

Treatment, of recaptured escaped eastern laborers (Ostarbeiter). By order of the RFSS all recaptured escaped eastern laborers without exception are to be sent to concentration camps, effective immediately. In regard to reporting to RFSS, I request only one report by teletype to section Roman 4 D.- (Foreign laborers) on 10 March 1944 as to how many of such male or female eastern laborers were turned over to a concentration camp, between today and 10 March 1944."

H0027 - 0024

By these methods the Gestapo and SD maintained control over forced labor brought into the Reich.

The next subject I go into is that the Gestapo and SD executed captured commandos and paratroopers and protected civilians who lynched Allied flyers.

On 4 August, 1942, Keitel issued an order which provided that the Gestapo and SD were responsible for taking counter measures against single parachutists or small groups of them with special missions. In substantiation I offer now Document No. 553-PS as exhibit next in order, USA Exhibit No. 500. I read from the first page of the translation, the first part of paragraph 3:

"So far as single parachutists are captured by membersof the armed forces they are to be delivered to the nearest agency of the Chief of the Security Police and SD, without delay."

Now, if the Tribunal please, to divert from the text: Colonel Taylor will present the Nazi Command and a few of these orders. This is one and there is the next one, with which he is going to deal extensively. My purpose in introducing these orders now is to show the part that the Gestapo and SD played in connection with those orders.

The next order that I introduce is Document 498-PS, in the first volume, USA Exhibit 501. That is the celebrated commando order signed by the Fuehrer himself on the 18th October 1942. There were only twelve copies of this made and it bears the personal original signature of Adolf Hitler. One copy was sent to the Reichsfuehrer SS and Chief of Security Police. That order, without reading it and getting down to the part from which I want to quote, simply provides that all commandoes, whether or not in uniform or unarmed, are to be slaughtered to the last man. I want to read down at the bottom, the beginning of paragraph 4, to show the part of the SD:

"If individual members of such commandos, such as agents, saboteurs, etc. fall into the hands of the military forces by some other means, through the police in occupied territories for instance, they are to

H0027-0025

be handed over immediately to the SD."

Another one of those orders is No. 526-PS, USA Exhibit 502, to which I would like to refer. That document has to do with some alleged saboteurs landing in Norway. It is dated the 10th May 1943 and is Top Secret. I quote the first paragraph as identifying a crew:

"On the 30.3.1943 on Toftefjord (70° Lat.) an enemy cutter was sighted. Cutter was blown up by the enemy. Crew: 2 dead men, 10 prisoners."

That is the crew. Near the bottom of that order, the third sentence from the bottom, is this statement:

"Fuehrer order executed by S.D. (Security Service)."

We have heretofore introduced Document R-100, USA Exhibit 333, and that was the Himmler order of 10 August 1943 which was sent to Security Police. That order provided that it was not the task of the Police to interfere in clashes between Germans, English, and American terror fliers who had bailed out. That was personally by Himmler and bearshis signature. That has been introduced in evidence, but I wanted to call the attention of the Court to it again.

I next go to the subject where the Gestapo and the SD took civilians of occupied countries to Germany for secret trial and punishment. That is the so-called "Night and Fog Decree," issued on 7th December, 1941, by Hitler. That Decree has not been introduced in evidence.

I now refer to Document L-90, in the first volume, USA Exhibit 503. Under that decree persons who committed offenses against the Reich or occupation forces in occupied territory, except where death sentence was certain, were to be taken secretly to Germany and surrendered to the Security Police and SD for trial or punishment in Germany itself. This is the original from which we quote, beginning on the first page of the translation. It is on the stationery of the Reichsfuehrer SS and Chief of German Police, Munich 4 February 1942. Subject: Prosecution of offenses against the Reich or the occupation forces.

H0027-0026

"I. The following regulations published, by the chief of the Armed Forces High Command, dated 12 December 1941, are being made known herewith:

1) The chief of the armed-Forces-High Command.

After thoughtful consideration it is the will of the Fuehrer that the measures taken against those who are guilty of offences against the Reich or against the occupation forces in occupied areas should be altered. The Fuehrer thinks that in the case of such offences like imprisonment, even life imprisonment at hard labor is regarded as a sign of weakness. The only way to succeed in giving a lasting scare to the people is to decree the death penalty or by taking measures which will leave the family and the population uncertain as to the fate of the offender. The deportation to Germany is for just this purpose".

"The directives for the prosecution of offenses as outlined below correspond with the Fuehrer's conception. They have been examined and approved by him. Signed Keitel, and then follow some of the directives and descriptions.

This is a long document, with enclosures, and we next turn to page 4 of the English translation, near the bottom:

"Insofar as the SS and the Police are the competent authorities for dealing with offences committed under I, they should proceed accordingly."

Next, in connection with the same documents, part 2 of the English translation, which is the secret letter addressed to the Abwehr, I quote from page 2. It is the letter dated 2 February 1942. Passing down to the words "Enclosed please find:

1. Decree of the Fuehrer and Supreme Commander of the Armed Forces of 7 December 1941.
2. Executive order of the same date.
3. Communication of the Chief of the Supreme Command of the Armed Forces of 12 December 1941.

The decree introduces a fundamental innovation. The Fuehrer and

H0027-0027

Supreme Commander of the Armed Forces orders that offenses committed by civilians within the occupied territories and of the kind mentioned above, are to be dealt with by the competent Military Courts in the occupied territories only, if (a) the death penalty is pronounced, and (b) sentence is pronounced within 8 days of the prisoner's arrest.

Unless both these conditions are fulfilled, the Fuehrer and Supreme Commander does not anticipate that criminal proceedings within the occupied territories will have the necessary deterrent effect.

In all other cases the prisoners are in the future to be transported to Germany secretly, and further dealings with the offenses will take place there; these measures will have a deterrent effect because (a) the prisoners will vanish without leaving a trace, (b) no information may be given as to their whereabouts or their fate.

Now, skipping the next paragraph to the paragraph below:

"In case the competent Military Court, res. the Military Commander are of the opinion that an immediate decision on the spot is impossible, and the prisoners are therefore to be transported to Germany, the Counter Intelligence Offices have to report this fact directly to the RSHA in Berlin, S.W.11, Prinz Albrecht Street 7, c/o Dr. Fischer, Director of Criminal Police, stating the exact number of prisoners and of the groups which belong together as the case may be. Isolated cases where the Superior Commander has an urgent interest in the case being dealt with by a military court, are to be reported to the RSHA. Copy of the entire report has to be sent to Office Foreign Countries Intelligence Department, Abwehr III.

The RSHA on the basis of available accommodation will determine which office of the State Police has to accept the prisoners. The latter office will communicate with the competent Counter Intelligence Office and determine with it the particulars of the removal, particularly whether this will be carried out by the Secret Field Police, the Field Gendarmerie, or the GESTAPO itself, as well as on place and the manner of the actual handing over."

After the civilians arrived in Germany no word of the disposition of their cases was permitted to reach the country from which they came, or their relatives.

H0027 - 0028

I now offer Document 668-PS, US Exhibit 504. This is a letter of the Chief of the Security Police and the SD, dated the 24th of June 1942, and I quote from the first page of the English translation, the big paragraph which is about fourth or fifth:

"It is the intent of the directive of the Fuehrer and Commander-in-Chief of the Wehrmacht concerning prosecution of criminal acts against the Reich or the occupation forces in occupied territories, dated 7 December 1941" -- That is the order that I first referred to -- "to create, for deterrent purposes, uncertainty over the fate of prisoners among their relatives and acquaintances, through the deportation into Reich territory of persons arrested in occupied areas on account of activity inimical to Germany. This goal would be forfeited if the relatives were to be notified in cases of death. Release of the body for burial at home is inadvisable for the same reason, and beyond that also because the place of burial could be misused for demonstrations.

"I therefore propose that the following rules be observed in the handling of cases of death:

"a. Notification of relatives is not to take place.

"b. The body will be buried at the place of decease, in the Reich.

"c. The place of burial will, for the time being, not be made known."

Now, passing to the next activity of the SD and Gestapo, which was that they arrested, tried and punished citizens of occupied countries under special criminal procedure and by summary methods. And I next offer in evidence Document 674-PS, US Exhibit 505.

The Gestapo arrested, placed in protective custody, and executed civilians of occupied territories under certain circumstances. Even where there were courts capable of handling emergency cases the Gestapo conducted its own proceedings without regard to normal judicial processes.

This document, 674, is a letter from the Chief Public Prosecutor at Kattowitz, dated the 3rd of December 1941, and it is addressed to the Reich Minister of Justice, Attention: Chief Councillor to the Government Stadermann or Representative in office, Berlin. The subject is "Executions by the Police and Expediting of Penal Procedure, without order;

H0027 – 0029

Inclosure: 1 copy of report." I quote from the beginning:

"About three weeks ago, six chief agents (partially German) were hanged by the Police in connection with the destruction of a treasonable organization of 350 members in Tarnowitz without notification of the Ministry of Justice. Such executions of criminal agents in the Biclitz district have already been made before also without knowledge of the proper authority for criminal prosecution. On 2 December 1941 the head of the state police at Kattowitz, chief councillor to the government Mildner, reported orally to the undersigned that he had ordered, with authority from the Reich-leader of the SS as necessary immediate action, these executions by public hanging at the place of the crime; and that deterring measures would also have to be continued in the future until the criminal and actively anti-German powers in the occupied Eastern territories have been destroyed, or until other immediate actions, perhaps also by the courts, would guarantee equal frightening effect. Accordingly, six leaders of another Polish organization guilty of high treason in the district in and around Sosnowitz were to be hanged publicly today as an example.

"About this procedure the undersigned expressed considerable doubts.

"Besides the fact that such measures have been withdrawn from the jurisdiction of the ordinary courts and are contradictory to the laws not put out of effect, a justified emergency for the exceptional proceedings by the police alone cannot, in our opinion, be lawfully recognized.

"The penal justice in our district within the limits of our jurisdiction is quite capable of fulfilling its duty of immediate penal retribution by means of a special form of special judicial activity (establishment of a so-called Rapid Special Court). Indictment and proceeding could be speeded up in such a way that between turning the case over to the public prosecutor and execution no more than three days would elapse if the practice of pardoning is simplified and if the decision, if necessary, can be obtained by long distance call. This was expressed yesterday to the head of the state police at Kattowitz by the undersigned.

H0027-0030

"We cannot believe that execution by the police of criminals, especially German criminals, can be considered more effective through shattering the sense of justice of many German countrymen. In the long run they might, in spite of public terrorizing, lead even more to further brutality of minds, which is contrary to the intended purpose of pacifying. These deliberations, however, do not apply to future lawful competence of a drumhead court-martial for Poles and Jews."

I next refer to Document 654-PS, US Exhibit 218, which has previously been introduced in evidence, but it bears on this subject, and I will simply summarize in a word what it provided.

It states that on the 18th of September 1942, Thierack, the Reich Minister of Justice, and Himmler came to an understanding by which anti-social elements were to be turned over to Himmler to be worked to death. That is in Document 654-PS, and a special criminal procedure was to be applied by the police to the Jews, Poles, Gypsies, Russians, and Ukrainians who were not to be tried in ordinary criminal courts.

I simply refer to that document as bearing on the same subject.

Another document which I will not quote from but cite to your Honors is the order of November 5, 1942, issued by the RSHA, and that is document L-316, US Exhibit 346. I don't think it is necessary to quote from that except to state that that letter provides that the administration -- in fact, the last statement in it just before the signature provides:

H0027 – 0031

"The administration of penal law for persons of alien race must be transferred from the hands of the administrators of justice into the hands of the police." That is the part that connects the Police with it, and I will not quote from the document otherwise.

Now, I next come to the subject where the Gestapo and the SD executed or confined persons in concentration camps for crimes allegedly committed by their relatives, and in that connection, I offer Document L-37 in the first volume, U.S. Exhibit 506.

That is a letter dated the 19th of July 1944. I call your Honor's attention to the fact that it is dated in 1944, sent by the Commander of the SIPO and SD for the District of Radom to the Foreign Service Office in Tomaschow.

Parenthetically, that big Haftbuch that we introduced in evidence has a number of cases in connection with the District of Radom, and your Honors will remember that it is a list of the people in the District of Tomaschow.

The subject of this letter is "Collective responsibility of members of families of assassins and saboteurs." I will read after the word "precedents."

"The Higher SS and Police Leader East has issued on 28 June 1944 the following order:

" 'The security situation in the General Government has in the last nine months grown worse to such an extent, that from now on the most radical means and the harshest measures must prevail against the alien assassins and saboteurs. The Reichsfuehrer SS, in agreement with the General Government, has ordered that, in all cases in which attacks and attempts of assassinations against Germans have resulted, or saboteurs destroyed installations essential to life, not only the seized perpetrators be shot but that because of it all the men of the kin also be executed and their female relatives who are over 16 years be put into concentration camps. Strict presumption is hereby taken for granted that if the perpetrator or the perpetrators are not seized their names and addresses be readily ascertained. As male members of the kin can be considered for example: the father, sons (insofar as they are over 16 years of age), brothers, brothers-in-law, cousins and uncles of the perpetrator. Against

H0027 - 0032

the women, proceedings must take place in the same manner. With this procedure it is intended to insure a total liability of all men and women of the kin of the perpetrator. It furthermore affects to the utmost the family circle of the political criminal. This practice has shown, for example, already at the end of 1939 the best results in the new eastern territories, especially in the Warthe district. As soon as this new method for combatting assassins and saboteurs becomes known to these foreign people -- this may be achieved by oral propaganda -- the female members of a kin in which members of the resistance movement or bands are present, as shown by experience, will exert a curbing influence.'"

Now, the SD and Gestapo also conducted third degree interrogations of prisoners of war, and I refer to Document 1531-PS, US Exhibit 248. This document contains an order of 12 June 1942, signed by Mueller, 1531 in the second volume, which authorized the use of third degree methods in interrogations where preliminary investigation indicated that the prisoners could give information on important facts such as subversive activities, but not to extort confessions of the prisoner's own crimes.

Now, I quote from Page 2 of the English translation, Paragraph 2:

"Third degree may, under this supposition, only be employed against Communists, Marxists, Jehovah's Witnesses, saboteurs, terrorists, members of resistance movements, parachute agents, anti-social elements, Polish or Soviet-Russian loafers or tramps. In all other cases, my permission must first be obtained."

Then I pass to paragraph 4 at the end:

"Third degree can, according to the circumstances, consist amongst other methods, of:

"Very simple diet (bread and water); hard bunk; dark cell; deprivation of sleep; exhaustive drilling; also in flogging (for more than 20 strokes a doctor must be consulted.)"

On the 24th of February 1944 the Commander of the SIPO and the SD for the District of Radom published an order issued by the Befehlshaber of the SIPO and the SD at Cracow, which is Exhibit L-89, US Exhibit 507, L-89, in the first volume. This followed closely the provisions of the previous decree that I have just quoted from, and I quote the first paragraph after

H0027 - 0033

the list of offices on the first page:

"In view of the variety of methods used to date in intensified interrogations and in order to avoid excesses, also to protect officials against eventual criminal proceedings, the Befehlshaber of the Security Police and of the SD in Cracow has issued the following order for the Security Police in the General Government which is based on the regulations in force for the Reich."

And then the regulations are quoted. The significance of this document is that it proves that as late as 1944 third degree interrogations were still being conducted by the Gestapo.

I next pass to the activity of the Gestapo and the SD as being primary agencies for the persecution of the Jews, and I do not intend to go into any of the evidence previously introduced, except to refer to the part of these organizations.

The responsibility of the Gestapo and SD for the mass extermination program carried out by the Einsatz Groups of the SIPO and SD and in the annihilation camps to which Jews were sent by the SIPO and SD has already been considered, and I simply cite the Tribunal to Document 2615-PS, which has previously been introduced, and in which it was referred to the number of Jews executed and referred to by Eichmann. I simply call attention that Eichmann was head of Section B 4 of the Gestapo. That section of the Gestapo dealt with Jewish affairs, including matters of evacuation, means of suppressing enemies of the people and State, and the dispossession of rights of German citizenship.

H0027-0034

The Gestapo was also charged with the enforcement of discriminatory laws, which have heretofore been introduced..

I now invite your Honors' attention to Document 3058-PS, US Exhibit 508. That, I'd like to exhibit to your Honors, is a red-bordered document signed by Heydrich himself, and addressed to the Defendant Goering. It is dated the 11th of November 1938, I pass this to the reporter, and before it is passed to the reporter there is an appendix attached to it to the effect that the matter had been called to the attention of the Defendant Goering.

Now, this concerns a report of activities of the Gestapo in connection with the anti-Jewish demonstration, you will recall, in the fall of 1938. This is a report from Heydrich himself personally to the Defendant Goering. It is addressed to the Prime Minister, General Field Marshal Goering, and is dated the 10th of November 1938, and the previous documents showed that that activity occurred just before, and the order for it in connection with the Jewish uprising or extermination:

"The extent of the destruction of Jewish shops and houses cannot yet be verified by figures. The figures given in the reports: 815 shops destroyed, 171 dwelling houses set on fire or destroyed, only indicate a fraction of the actual damage caused, as far as arson is concerned. Due to the urgency of the reporting, the reports received to date are entirely limited to general statements such as 'numerous' or 'most shops destroyed.' Therefore, the figures given must have been exceeded considerably.

"191 synagogues were set on fire, and another 76 completely destroyed. In addition, 11 parish halls, cemetery chapels and similar buildings were set on fire and three more completely destroyed.

"20,000 Jews were arrested, also 7 Aryans and three foreigners. The latter were arrested for their own safety.

"36 deaths were reported and those seriously injured were also numbered at 36. Those killed and injured are Jews. One Jew is still missing. The Jews killed include one Polish national, and those injured include two Poles."

Now, the paper appended to that document I want to call your Honors' special attention to:

H0027-0035

"The General Field Marshall" -- that is Goering-- "has been informed no steps are to be taken, by order and dated the 15th of November 1938," by an illegible signature.

Now, in that same connection Heydrich was charged by the Defendant Goering with this entire program, and we next offer in evidence the original of that order, 710-PS, US Exhibit 509. That is an order dated the 31st of July 1941. It is written on the stationery of the Reich Marshal of the Greater German Reich, Commissioner for the Four-Year Plan, Chairman of the Ministerial Council for National Defense, and it is dated at Berlin, the 31st of July 1941; and directed to the Chief of the Security Police and the Security Service, SS Gruppenfuehrer Heydrich.

"Complementing the task that was assigned to you on 24 January 1939, which dealt with arriving at -- through furtherance of emigration and evacuation, a solution of the Jewish problem, as advantageous as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe.

"Wherever other governmental agencies are involved, these are to cooperate with you.

"I charge you furthermore to send me, before long, an overall plan concerning the organizational, factual and material measures necessary for the accomplishment of the desired solution of the Jewish question." Signed, "Goering."

The Tribunal has already received the evidence as to what the final solution of the Jewish problem was as conceived by Heydrich and executed by the Security Police and SD under him and under the Defendant Kaltenbrunner, which was enslavement and mass murder.

Now, finally, in this presentation the last activity of the Gestapo and SD to which I will refer is that these organizations were the primary agencies for the persecution of the churches. Already evidence has been received concerning the persecution of the churches. In this struggle the Gestapo and the SD played a secret but very highly significant part.

H0027 – 0036

Section C 2 of the SD dealt with education and religious life. Section B 1 of the Gestapo dealt with political Catholicism. Section B 2 dealt with political Protestantism, and Section B 3 with other churches and Freemasonry.

The Church was one of the enemies of the Nazi State, and it was a peculiar function of the Gestapo to combat it. It issued restrictions against church activities, dissolved church organization, and placed clergymen in protective custody.

I now want to offer in evidence Document 1815-PS, US Exhibit 510. This is a very large file, this original document, and I want to quote only portions of it. This was a file of the Gestapo regional office at Aachen. It discloses the purpose of the Gestapo in combatting the churches was to destroy them, and from the beginning I want to read the first page of the English translation, 1815.

H0027 - 0037

This is dated the 12th of May, 1941, at Berlin, from the RSHA, Section IV, B, 1, to all Staatspolizeileitstellen. For information: The SD Leit-Abschnitten; the Inspectors of the SIPO and SD.

I understand this word "Abschnitten" means sub-division.

The subject is concerning the study and treatment of Church politics.

"The chief of the RSHA has issued an order, which is to come into immediate operation, in which the SD and SIPO Study and Treatment of Church Politics, which has hitherto been divided between the SD-Abschnitte and Stapostellen, shall now be taken over entirely by the Stapostellen," which I understand means Regional Offices of the Gestapo.

Then it refers to the plan for the division of work issued by the RSHA on March 1, 1941. "In addition to combatting opposition, the Stapostellen thus take over the entire Gegnernachrichtendienst"--I understand that word means counter-intelligence--"in this sphere.

"In order that the Stapostellen should be in a position to take over this work, the Chief of the SIPO-SD has ordered that Church Specialists, hitherto employed in the SD-Abschnittren, should be temporarily transferred to the same posts at the Regional Gestapo Offices and operate the Nachrichtendienst"--which means Intelligence Service in the Church.

"On the orders of the Chief of the RSHA, and after reaching agreement with the heads of Amts III, II, and I , those Church Specialists specified in the attached lists"--

THE PRESIDENT (Interposing): Is it necessary to give us the details of this?

COLONEL STOREY: No, sir, I don't think so.

At any rate, if Your Honors please, we quote from it, and it is simply a direction as to how they will proceed.

Now then, later, on the 22nd and 23rd of September, 1941, they called a conference of these so-called Church Specialists attached to the Gestapo Regional Offices that I have mentioned. That was held in the lecture hall of the RSHA in Berlin. Notes were taken, and this same document contains notes of that conference. The program is shown; the plan is worked out in connection with the churches. I will just read the closing statement to these so-called

H0027 - 0038

Church Specialists; it is very short:

"Each one of you must go to work with your whole heart and a true fanaticism. Should a mistake or two be made in the execution of this work, this should in no way discourage you, since mistakes are made everywhere. The main thing is that the enemy"--meaning the church--"should be constantly tackled with determination, will, and effective initiative."

And then finally, the last thing I would like to refer to in this document is on the eighth page of the English translation, which sets out their immediate aim and their ultimate aim; it is on page 8 of the English Translation:

"The immediate aim: The Church must not regain one inch of the ground it has lost.

"The ultimate aim: Destruction of the Confessional Churches to be brought about by the collection of all material obtained through Nachrichtendienst activities, which will, at a given time, be produced as evidence for the charge of treasonable activities during the German fight for existence."

I understand that long German word means intelligence activities.

Now, if Your Honors please, this concludes the factual, documentary presentation which I shall make in connection with the SD and Gestapo. Closely allied with it is the case against Kaltenbrunner, as the representative of these organizations, which will be presented immediately after lunch by Lieutenant Whitney Harris. Also, there will be one or two witnesses that will be introduced in connection with these organizations and in connection with Kaltenbrunner.

With that I should like to conclude, with just these remarks:

The evidence shown that the Gestapo was created by the defendant Goering in Prussia in April 1933 for the specific purpose of serving as a police agency to strike down the actual and ideological enemies of the Nazi regime, and that henceforward the Gestapo in Prussia and in the other states of the Reich carried out a program of terror against all who were thought to be dangerous to the domination of the conspirators over the people of Germany. Its methods were utterly ruthless. It operated outside the law and sent its victims to the concentration camps. The term "Gestapo" became the symbol of the Nazi regime of force and terror.

H0027-0039

Behind the scenes, operating secretly, the SD, through its vast network of informants, spied upon the German people in their daily lives, on the streets, in the shops, and even within the sanctity of the churches.

The most casual remark of the German citizen might bring him before the Gestapo where his fate and freedom were decided without recourse to law. In this government in which the rule of law was replaced by a tyrannical rule of men, the Gestapo was the primary instrumentality of oppression.

H0027 – 0040

The Gestapo and the SD played an important part in almost every criminal act of the conspiracy. The category of these crimes, apart from the thousands of specific instances of torture and cruelty in policing Germany for the benefit of the corspirators, reads like a page from the Devil's notebook:

They fabricated the border incidents which Hitler used as an excuse for attacking Poland.

They murdered hundreds of thousands of defenseless men, women and children by the infamous Einsatz groups.

They removed Jews, political leaders, and scientists from prisoner of war camps, and murdered them.

They took recaptured prisoners of war to concentration camps and murdered them.

They established and classified the concentration camps and sent thousands of people into them for extermination and slave labor.

They cleared Europe of the Jews, and were responsible for sending hundres of thousands to their deaths in annihilation camps.

They rounded up hundreds of thousands of citizens of occupied countries and shipped them to Germany for forced labor, and sent slave laborers to labor reformatory camps.

They executed captured commandos and paratroopers and protected civilians who lynched allied flyers.

They took civilians of occupied countries to Germany for secret trial and punishment.

They arrested, tried and punished citizens of occupied countries under special criminal procedures which did not accord fair trials, and by summary methods.

They murdered or sent to concentration camps the relatives of persons who had allegedly committed crimes.

They ordered the murder of prisoners in SIPO and SD prisons to prevent their release by the allied armies.

They participated in the seizure and spoliation of public and private property.

They were primary agencies for the persecution of the Jews and church

H0027 - 0041

In carrying out these crimes the Gestapo operated as an organization, closely centralized and controlled from Berlin headquarters. Reports were submitted to Berlin and all important decisions emanated from Berlin. The regional offices had only limited power to commit persons to concentration camps. All cases, other than of short duration, had to be submitted to Berlin for approval.

The Gestapo was organized on a functional basis. Its principal divisions dealt with the groups and instutions against which it committed the worst crimes - which I have enumerated.

Thus, in perpetrating these crimes, the Gestapo acted as an entity, each section performing its parts in the general criminal enterprises ordered by Berlin. The Secret State Police should be held responsible as an organization for the vast crimes in which it participated.

The SD was at all times a department of the SS. Its criminality directly concerns and contributes to the criminality of the SS.

And as to the Gestapo, it is submitted that it was an organization in the sense in which that term is used in Article 9 of the Charter; that the Defendants Goering and Kaltenbrunner committed the crimes defined in Article 6 of the Charter in their capacity as members and leaders of the Gestapo; and that the Gestapo, as an organization, participated in and aided the conspiracy which contemplated and involved the commission of the crimes defined in Article 6 of the Charter.

And finally, I have in my hand here a brochure published in honor of the famous Heydrich, the former Chief of the Security Police and SD, and I quote from a speech published therein, which was delivered by Heydrich on German Police Day, 1941, as follows, of which I ask the Tribunal to take judicial notice:

"Secret State Police, Criminal Police, and SD are still adorned with the furtive and whispered secrecy of a political detective story. In a mixture of fear and shuddering - and yet at home with a certain feeling of security because of their presence - brutality, inhumanity bordering on the sadistic, and ruthlessness are attributed abroad to the men of this profession."

H0027 - 0042

Those are the words of Heydrich, who was the former head of this organization.

Does your Honor want to go ahead?

DR. KURT KAUFMANN (Counsel for the Defendant Kaltenbrunner): I have just heard that during the afternoon the testimony shall concern the Defendant Kaltenbrunner.

THE PRESIDENT: The translation is not coming through.

Will you speak again, please?

DR. KAUFMANN: I have just heard that during the afternoon session the testimony shall concern the Defendant Kaltenbrunner. I therefore regard it as advisable -

THE PRESIDENT: (Interposing): One moment please. I can't hear. Please try again. It was coming to some of us but not to all.

H0027 - 0043

DR. KAUFMANN: I have just heard that this afternoon the testimony shall concern Kaltenbrunner. I therefore regard it as advisable to make a proposition regarding Kaltenbrunner right now, before the recess, and not in the afternoon.

My suggestion is the following.

I ask that the trial against Kaltenbrunner should be postponed during his absence. Kaltenbrunner, so far as the entire proceedings so far have been concerned, has taken part only partially. The reason for his absence is an illness which, according to my opinion, is of a serious nature, for it is obvious that in so important a trial only a very serious illness can bring about the absence of a defendant and justify it. I don't have any doctor's report on his present condition. It therefore appears to me dubious whether he will be capable of attending the hearing at all in the future.

Be that as it may, my present suggestion that the trial of Kaltenbrunner be postponed is not in contradiction to paragraph 12 of the Charter. If a defendant is alive that cannot be brought to trial in person, then the trial can proceed against him in his absence. This thought is particularly justified if the defendant is concealing himself, and if he thus is obliged to submit to the trial even in his absence.

Nevertheless, Kaltenbrunner is here in prison. He did not withdraw himself from the trial, and he wishes nothing more than that he may be able to take a position as regards the accusation. But if such a defendant is absent without its being his fault, then a trial that was nevertheless carried out would hardly correspond to justice.

Paragraph 12 of the Charter mentions this point of justice specifically.

I should regret the procedure of the trial all the more since, precisely, now Kaltenbrunner must have an opportunity to give me information in my capacity as his Defense Counsel. The particular indictment is not even known to him; it was given to him just before the Christmas recess.

H0027 - 0044

I do not need to emphasize how greatly the Defense's task is made more difficult by a continuation of the trial - indeed made almost impossible.

THE PRESIDENT: The Tribunal will consider the application which has been made on behalf of Counsel for the Defendant Kaltenbrunner, and will give its decision shortly.

The Tribunal will now adjourn until 2 o'clock.

COLONEL STOREY: If I may make just one statement in connection with that, if your Honor please.

THE PRESIDENT: Yes, certainly.

COLONEL STOREY: The evidence against Kaltenbrunner will be in connection with the part he played in these organizations, and we thought, in the interest of time, the individual case against Kaltenbrunner could be presented at the same time. Now, if it were not presented in this connection, it would be within a few days, early next week, in connection with the other individual defendants. Counsel mentions that he probably will not be able to be here for some time, and I thought I would make that statement.

THE PRESIDENT: Yes.

(Whereupon at 12.50 hours the Hearing of the Tribunal adjourned to reconvene at 14.00 hours.)

H0027-0045

Official Transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 2 January 1946, 1400 to 1645, Lord Justice Lawrence, presiding.

THE PRESIDENT: The Tribunal has considered the motion made by Counsel on behalf of Kaltenbrunner, and, it considers that any evidence which you were intending to produce which is directed against Kaltenbrunner individually, and not against the Organizations, ought to be postponed until the Prosecution may deal, as the Tribunal understands you do propose to deal, with each defendant individually; and, the Tribunal thinks that the Kaltenbrunner case might properly be kept to the end of the individual defendants' testimony, and that the evidence which is especially brought against Kaltenbrunner might then be adduced. If Kaltenbrunner then still is unable to be in Court, the evidence will have to be given in his absence.

COLONEL STOREY: If Your Honor please, I don't believe that the case, as we have it prepared now, can be separated as between the organizations and the individuals.

THE PRESIDENT: No, but if it bears against the organizations, it can be adduced now.

COLONEL STOREY: I understand that, but if Your Honor please, I say that the preparation we have made is in connection both with the organizations and the individuals. In other words, it is a joint presentation, therefore, under Your Honor's ruling, as taken, it would have to go over until next week with the individual defendants' cases, because we prepared it so it will affect the organizations as well as the defendant individually, as his acts are in connection with what he has done with the organizations included; in other words, we don't have it separated.

THE PRESIDENT: How will that effect you for this afternoon?

COLONEL STOREY: We can introduce a witness, next, but if Your Honor please, in reference to the witness, that witness, of course, would affect the organizations, and incidentally would affect Kaltenbrunner, too. I don't see

H0027 - 0046

how you could separate them, except the questions could be confined to the organizations put to the witness this afternoon. Of course, the evidence which has been given up to date, much of it in Kaltenbrunner's absence, has in one sense been against Kaltenbrunner as being evidence against the organizations of which he was the head.

COLONEL STOREY: Colonel Amen is going to present testimony of a witness that is to be introduced orally, and it is primarily in reference to the organizations; and, that incidentally it would affect Kaltenbrunner's individual liability.

THE PRESIDENT: I think the Tribunal would like for you to go on with the evidence.

COLONEL STOREY: Yes. It has been suggested, Your Honor please, we might have a few minutes to confer about the situation, and about the witnesses.

THE PRESIDENT: You wish to adjourn for a few minutes.

COLONEL STOREY: Just a few minutes until we can confer, as it changes our order of proof.

THE PRESIDENT: Very well.

COLONEL STOREY: Just ten minutes will be sufficient.

THE PRESIDENT: Yes. We will adjourn now.

THE PRESIDENT: The Tribunal will now hear the evidence which the Prosecution desires to call, and insofar as it consists of oral testimony, the Tribunal will afford counsel for Kaltenbrunner the opportunity of cross-examining the witnesses, so-called, at a later stage if he wishes to do so.

DR. LUDWIG BABEL: (Counsel for SS and SD) I was called as counsel on duty for the members of the SS and the SD, who in these proceedings have offered themselves as witnesses. My duties were circumscribed in order to give the Court the motions in suitable form, not until the Tribunal gave notice on the 17 of December, 1945. It was then that I was called as defense counsel for the organizations of the SS and the SD, as such, and I have no client who could give me information or instructions for carrying on the defense. It is therefore necessary for me to rely for information by talking to members of the organizations I am representing, who are mostly in prisoner

H0027 – 0047

camps or are arrested. Thus far, because of the shortness of time, I was not able to get the necessary information.

After the 17 of December, 1945, thousands of requests were submitted to me by the Court and in the short pause since then I was not able to work my way through them all.

According to Paragraph 16 of the Charter, the defendants are to have a copy of the indictment with all documents in a language he understands at a reasonable time, for the proceedings. This provision should, presumably, be applied analogously to the organizations. To serve the Indictment on the organizations is not provided for in the Charter nor has the Tribunal so ordered it. I was myself, not in a position to have copies made, that is, a sufficient number of copies made for the various camps in which these

members of the organizations also and thus give them that opportunity. I am not able to give them that opportunity and the necessary information.

In the face of these circumstances, for which I am not responsible and the organizations which I am representing, I am not in a position to cross-examine the witness who will be heard today and thus make use of my rights as defense counsel. To hear a witness against the Defendant Kaltenbrunner is also concerned with the organizations which I represent, the SS and the SD. To hear this witness at this point would mean limiting the rights of the defense.

I therefore bring forward a motion to postpone the further discussion of the charges against the SS and the SD until I am able, by visiting the camps, in which there are members of the organizations SS and SD, and I am then able to talk to these people and gain such information for their defense. I should like to add for these reasons there would be no delay in the proceedings and I assure that the Prosecution will not be disturbed in any way.

THE PRESIDENT: If you will allow me to interrupt you, I understand your application to be that you are not in a position to cross-examine these witnesses this afternoon and that you wish for an opportunity similar to what I have already accorded to the counsel for Kaltenbrunner, that that shall be accorded to you. You wish for an opportunity to cross-examine these witnesses at a later stage, is that right?

DR. BABEL: But now at this moment I should like to point out that there is the peculiarity of the task that has been allotted to me, that my defense is made so difficult --

THE PRESIDENT: (Interposing) Let us not take up time by that. Was your application that you might have an opportunity of cross-examining these witnesses at a later date?

DR. BABEL: My motion had that meaning but also to make by defense possible, that the witness should not be heard at a time when I cannot make use of my opportunities in the measure which I should do it.

H0027 - 0049

THE PRESIDENT: The Tribunal is ready to give you the opportunity of cross-examining these witnesses at a later date.

LT. WHITNEY R. HARRIS: May it please the Tribunal:

We submit Document Book BB as a separate Document Book, relating to the Defendant Kaltenbrunner. This book contains our documents, from which quotations will be made during this presentation. Reference will be made to three or four other documents contained in the Document Book on the Gestapo and the SD.

During the past three Court days the Tribunal has heard evidence of the criminality of the SS, the SD and the Gestapo. The fusion of these organizations into the shock formations of the Hitler Police State has been explained from an organizational standpoint. There is before the Tribunal a defendant who represents these organizations through the official positions which he held in the SS and the German Police, and whose career gives added significance to this unity of the SS and the Nazi Police. The name of this defendant is Ernst Kaltenbrunner.

I now offer Document 2938-PS as exhibit next in order, U.S.A. Exhibit 511. This is an article which appeared in "Die Deutsche Polizei", the magazine of the Security Police and SD, on 15 May, 1943, at page 193, entitled, "Dr. Ernst Kaltenbrunner, the New Chief of the Security Police and SD", and I quote the beginning of the article:

"SS Gruppenfuehrer Dr. jur. Kaltenbrunner was born the sone of the lawyer Dr. Hugo Kaltenbrunner, on 4 October 1903, at Ried on Inn, near Braunau. He spent his youth in the native district of the Fuehrer, with whom his kinsfolk, originally a hereditary farming clan, had been closely connected since olden times. Later he moved with his parents to the little market-town Raab, and then to Linz on the Danube, where he attended the Stat Realgymnasium, and there he passed his final examination in 1921."

The next paragraph describes Kaltenbrunner's legal education, his nationalistic activities and his opposition to Catholic-Christian-Social student groups. It states that after 1928 Kaltenbrunner worked as a lawyer-candidate in Linz. The article continues, and I quote, reading the third paragraph:

H0027 - 0050

"Already in January 1934 Dr. Kaltenbrunner was jailed by the Dollfuss Government on account of his Nazi views and sent with other leading National Socialists into the concentration camp Kaisersteinbruch. He caused and led a hunger strike and forced the Government to dismiss 490 National Socialist prisoners. In the following year he was jailed again because of suspicion of High treason and committed to the Court-Matial of Wels (Upper Danube). After an investigation of many months, the accusation of high treason collapsed but he was condemmed to six months' imprisonment for conspiracy. After the spring of 1935 Dr. Kaltenbrunner was the leader of the Austrian SS, the right to practice his profession having been suspended because of his National Socialist views. It redounds to his credit that in this important position he succeeded, through energetic leadership, in maintaining the unity of the Austrian SS, which he had built up, in spite of all persecution, and succeeded in committing it successfully at the right moment.

"After the annexation, in which the SS was a decisive factor, he was appointed State Security for Security Matters on 11 March, 1938, in the new National Socialist cabinet of Dr. Seyss-Inquart. A few hours later he was able to report to the Reichsfuehrer SS Heinrich Himmler, who had landed at Aspera, the Vienna Airport, on 12 March 1938, 3 a.m., as the first National Socialist leader, that the Movement had achieved complete victory and that- the article quotes Kaltenbrunner -- "The SS is in formation awaiting furthe orders" -- closing Kaltenbrunner's statement.

"The Fuehrer promoted Dr. Kaltenbrunner on the day of annexation to SS Brigadehuehrer and as leader of the SS Oberbachnitt Donau. On 11 September, 1938 this was followed by his promotion to SS Gruppenfuehrer."

The Tribunal will recall evidence heretofore received, and I refer to page 570 of the English transcript of these proceedings, of the telephone conversation between Goering and Seyss-Inquart, in which Goering stated that Kaltenbrunner was to have the Department of Security.

I continue quoting the last paragraph from this article:

H0027 – 0051

"During the liquidation of the Austrian national government and the reorganization of Austria into Alps and Danube Districts, he was appointed Higher SS and Police Leader with the Reich Governors in Vienna, Lower Danube and Upper Danube in Corps Area 17, and in April 1941 he was promoted to Major General of Police."

Kaltenbrunner thereby became the little Himmler of Austria.

According to "Der Grossdeutsche Reichstag", Fourth Wahlperiode, 1938, published by F. Kienast, at page 261, our Document 2892-PS, Kaltenbrunner joined the Nazi Party and the SS in Austria in 1932. He was party member 300179 and SS member 13039.

Prior to 1933 he was the Gauredner and legal advisor to SS Division 8. After 1933 he was the leader of SS Regiment 37 and later the leader of SS Division 8. KALTENBRUNNER was given the highest Nazi Party decorations, the Golden Insignia of Honor and the Blutorden. He was a member of the Reichstag after 1938.

I now offer Document 3427-PS, as exhibit next in order, USA - Exhibit No. 512. This is also an article which appeared in "Die Deutsche Polizei", magazine of the Security Police and SD, 12 February 1943, at page 65, and I quote:

"SS GRUPPENFUEHRER KALTENBRUNNER APPOINTED CHIEF OF THE SECURITY POLICE AND OF THE SD.

Berlin, 30 January 1943.

Upon suggestion of the Reichfuehrer SS and Chief of German Police, the Fuehrer has appointed SS-Gruppenfuehrer and Major General of Police Dr. Ernst Kaltenbrunner as Chief of the Security Police and of the SD as successor of SS Obergruppenfuehrer and Lieutenant General of Police Reinhard Heydrich, who passed away 4 June 1942,"

The Tribunal has heard frequent references made to the speech of HIMMLER delivered on 4 October 1943 at Pozen, Poland, to Gruppenfuehrers of the SS, our document 1919-PS, heretofore received as USA Exhibit 170, in which with unmatched frankness HIMMLER discussed the barbaric program and criminal activities of the SS and the Security Police. Near the beginning of the speech HIMMLER referred to, and I quote this one sentence. "Our comrade, SS Gruppenfuehrer Ernst KALTENBRUNNER, who has succeeded our fallen friend HEYDRICH".

Kaltenbrunner carried out the responsibilities as Chief of the Security Police and SD to the satisfaction of Himmler and Hitler, for on 9 December 1944, according to the Befehlsblatt of the Security Police and SD —

DR. KAUFMANN (Counsel for Defendant Kaltenbrunner): May I interrupt just for a second. I understood the decision of the Tribunal to be that the accusation against Kaltenbrunner was to be postponed until Kaltenbrunner should be fit to plead, and now the matter of Kaltenbrunner is being discussed.

H0027 - 0052

H0027-0053

DR. KAUFMANN: Oh, surely.

THE PRESIDENT: The decision which the Tribunal indicated before was based upon the view that the evidence could be divided between evidence which bore directly against Kaltenbrunner and evidence which bore against the organization of the Gestapo, but when you attended before us in closed session, it was explained that it was impossible to do that and that the evidence was so inextricably mingled that it was impossible to direct the evidence solely to the organization and not to include it against Kaltenbrunner, and accordingly the Tribunal decided that they would go on with the evidence which the prosecution desired to present in its entirety, but that they would give you the opportunity of cross examining any witnesses which might be called at a later date. Of course you will, in addition to that, have the fullest opportunity of dealing with any documentary evidence which bears against Kaltenbrunner when the time comes for you to present the defense on behalf of Kaltenbrunner.

Do you follow that?

DR. KAUFMANN: Of course.

THE PRESIDENT: You will have the opportunity for any witness who is called this afternoon or tomorrow at a later date, a date which will be convenient to yourself, and in addition, with reference to any oral evidence such as is now being presented by counsel for the United States, you will have full opportunity at a future date of dealing with that evidence in any way that it seems right to you to do.

DR. KAUFMANN: Yes.

May I just say one more word. The misunderstanding that affected me is probably due to the fact that I was of the opinion that witnesses were now to be heard, but now I hear that the evidence -- that is to say, the whole of the evidence -- is to be put forward. Now I hear that the Tribunal is admitting the whole of the evidence so I shall submit, of course, to this decision.

LT. HARRIS: Kaltenbrunner carried out the responsibilities as Chief of the Security Police and SD to the satisfaction of Himmler and Hitler, for on 9 December 1944, according to the Befehlsblatt of the Security

H0027 - 0054

Police and SD, No. 51, page 361, our 2770-PS, he received, as Chief of the Security Police and SD, the decoration known as the Knight's Cross of the War Merit, with Crossed Swords, one of the highest military decorations. By that time Kaltenbrunner had been promoted to the high rank of SS Obergruppenfuehrer and General of the Police.

I invite the attention of the Tribunal to the organization chart entitled "The Position of KALTENBRUNNER and the GESTAPO and SD in the German Police System". As Chief of the Security Police and SD, KALTENBRUNNER was the head of the GESTAPO, the KRIPO and the SD and of the RSHA which was a department of the SS and the Reich Ministry of the Interior. He was in charge of the regional offices of the GESTAPO, the SD and the KRIPO within Germany, and of the Einsatz Groups and Einsatz Commandos in the occupied territories.

Directly under KALTENBRUNNER were the chiefs of the main offices of the RSHA including Amt III (the SD within Germany), Amt IV (the GESTAPO) Amt V (the KRIPO), and Amt VI (Foreign Intelligence).

I offer Document 2939-PS as exhibit next in order USA exhibit No. 513. This is the affidavit of Walter SCHEILENBERG, who was chief of Amt VI of the RSHA from the autumn of 1941 to the end of the war. I am going to read a very small portion of this affidavit, beginning with the sixth sentence of the first paragraph:

> "On or about 25 January 1943, I went together with KALTENBRUNNER to Himmler's headquarters at Loetzen in East Prussia. All of the Amt Chiefs of the RSHA were present at this meeting, and Himmler informed us that KALTENBRUNNER was to be appointed Chief of the Security Police and SD (RSHA) as successor to Heydrich. His appointment was effective 30 January 1943. I know of no limitation placed on KALTENBRUNNER's authority as Chief of the Security Police and SD. He promptly entered upon the duties of the office and assumed direct charge of the office and control over the Amt. All important matters of all Aemter had to clear through KALTENBRUNNER."

HO027-0055

During Kaltenbrunner's term in office as Chief of the Security Police and SD, many crimes were committed by the Security Police and SD pursuant to policy established by the RSHA or upon orders issued out of the RSHA, for all of which Kaltenbrunner was responsible by virtue of his office. Each of these crimes has been discussed in detail in the case against the GESTAPO and SD, and reference is here made to that presentation. Evidence now will be offered only to show that these crimes continued after Kaltenbrunner became Chief of the Security Police and SD on 30th January 1943.

The first crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the murder and mistreatment of civilians of occupied countries by the Einsatz Groups. There were at least five Einsatz Groups operating in the east during Kaltenbrunner's term in office. The Befehlsblatt of the Security Police and SD--and this is contained in our document 2890-PS, of which I ask the Tribunal to take judicial notice--contains references to Einsatz Groups A, B, D, G and Croatia during the period from 1943 to 1945.

I shall not read from that document which contains those excerpts, but the Tribunal will note those references to the name "Einsatz Groups," indicating that they were operating during the time that Kaltenbrunner was Chief of the Security Police and SD. The Tribunal will recall document 3104-PS, which has heretofore been received as US Exhibit 483Ø. I will only refer in passing to this document, which contained a lengthy and critical report on the barbarous conduct of the Security Police in exterminating the Jewish population of Sluzk White Ruthenia. This report was submitted to Heydrich on 21st November 1941. Yet the same conditions of horror and cruelty continued to characterize the operations of Einsatzkommandos in the east while Kaltenbrunner was Chief of the Security Police and SD. I refer to document 1475-PS, heretofore received as US Exhibit 289, and I will not read anything from that but simply refresh the recollection of the Tribunal to the report of Gunther, the prison warden at Minsk, under date of 31st May 1943 to the General

H0027 - 0056

Commissioner for White Ruthenia in which he pointed out that after 13th April 1943 the SD had pursued a policy of removing all gold teeth, bridgework and fillings of Jews an hour or two before they were murdered.

The Tribunal will also recall in this exhibit the report of 18th June 1943 to the Reich Minister for the Occupied Eastern Territories describing the practice of the police battalions of locking men, women and children into barns which were then set on fire.

The second crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the execution of racial and political undesirables--

THE PRESIDENT: Lieutenant Harris, I think you are going perhaps a little bit too fast, and it is difficult for us to follow you when you are referring so quickly to these documents.

LIEUTENANT HARRIS: Thank you, sir.

The second crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the execution of racial and political undesirables screened out of prisoner of war camps by the Gestapo. The Tribunal will recall document No. 2950-PS, heretofore received as USA Exhibit 489.

I believe you will find that document in the Gestapo Document book. It was introduced this morning.

THE PRESIDENT: The Mueller affidavit?

LIEUTENANT HARRIS: Yes. That is an affidavit that indicates the program of screening prisoner of war camps continued during 1943.

The third crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD was the taking of recaptured prisoners of war--

THE PRESIDENT: Wait a minute. You are not referring to any specific paragraph of the document to show that it was in operation

H0027-0057

after 1943, and you are departing on something else while I am looking at the document.

LIEUTENANT HARRIS: Referring specifically to the third paragraph, if the Tribunal please, which has heretofore been read into evidence.

THE PRESIDENT: That only says until about the beginning of 1943.

LIEUTENANT HARRIS: It says early in 1943 the department was dissolved and it went into the departments in Subsection IV B. The work concerning Russian PW's must then have been done by IV B 2a.

THE PRESIDENT: Yes. Well, that is all you want it for, isn't it?

LIEUTENANT HARRIS: Yes.

The third crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD was the taking of recaptured prisoners of war to concentration camps where they were executed. I invite the attention of the Tribunal to document 1650-PS which has heretofore been received as USA Exhibit 246. This is the secret Gestapo order, the Kugel Erlass or Bullet Decree, under which escaped prisoners of war were sent to concentration camps by the Security Police and SD for execution.

This order, dated 4th March 1944, was signed--and I quote--"Chief of the Security Police and of the Security Service, for the Chief, signed Mueller."

I now offer document L-158 as exhibit next in order. This is USA Exhibit 514. I am not going to read this document since it is similar to the previous document offered, but I do wish to refer to the marked passages. First: "On 2nd March 1944 the Chief of the Security Police and SD, Berlin, forwarded the following OKW order." Then follows the statement that upon recapture certain escaped prisoners of war should be turned over to the Chief of the Security Police and SD.

The document goes on to say--and I quote--"In this connection

H0027 - 0058

the Chief of the Security Police and SD has issued the following instructions." Detailed instructions follow concerning the turning over of

H0027-0059

such prisoners to the commandant of Mauthausen under the operation "Bullet." Further, this order states -- and I quote -- this is at the very end of the order -- "The list of the recaptured officers and non-working N.C.O. prisoners of war will be kept here by IV A 1. To enable a report to be made punctually to the Chief of the SIPO and SD, Berlin, statements of the numbers involved must reach Radom by 20 June 1944."

I call the attention of the Tribunal to Document 2285-PS, which was received this morning as U.S.A. Exhibit 490.

THE PRESIDENT: Has that Document L-158 already been put in evidence?

LT. HARRIS: No, sir, I have just put in those portions. I have just put the document in evidence at this time, sir. The document has not been read in its entirety for the reason that the contents, other than the quoted portions, are substantially the same as Document 1650 which has been read at length.

THE PRESIDENT: You say it is the same as 1650?

LT. HARRIS: It is, sir, substantially the same. It relates to the same subject. It was, however, addressed to a different party, and I particularly wish to place before the Tribunal the last paragraph which has been quoted and read into evidence.

THE PRESIDENT: The last paragraph doesn't mean very much by itself, does it?

LT. HARRIS: Very well, sir. Then, if the Tribunal will permit it, I would like to read the document in its entirety.

THE PRESIDENT: Do you mean that 1650 has got thesd paragraphs 1, 2 and 3 in it?

LT. HARRIS: Yes, sir. That is exactly what I do mean, sir.

I will call the attention of the Tribunal to Document 2285-PS, which was received in evidence this morning as Exhibit 490. That was the affidavit --

THE PRESIDENT: Twenty-two what?

LT. HARRIS: 2285, sir. You will find that in the other book.

THE PRESIDENT: Yes, very well.

H0027 - 0060

LT. HARRIS: That was the affidavit of Lt. Colonel Gast and Lt. Veith of the French Army, who stated that during 1943 and 1944 prisoners of war were murdered at Mauthausen under the Bullet Decree. I am sure the Tribunal will recall that document.

The fourth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD was the commitment of racial and political undesirables to concentration camps and annihilation camps for slave labor and mass murder. Before Kaltenbrunner became Chief of the Security Police and SD on 30 January 1943, he was fully cognizant of conditions in concentration camps and of the fact that concentration camps were used for slave labor and mass murder. The Tribunal will recall from previous evidence that Mauthausen Concentration Camp was established in Austria and that Kaltenbrunner was the Higher SS and Police Leader for Austria. This concentration camp , as shown by Document 1063A-PS, which was received this morning as U.S.A. Exhibit 492, was classified by Heydrich in January 1941 in Category III, a camp for the most heavily accused prisoners and for asocial prisoners who were considered incapable of being reformed. The Tribunal will recall that prisoners of war to be executed under the "Bullet Decree" were sent to Mauthausen. As will be shown hereafter, Kaltenbrunner was a frequent visitor to Mauthausen concentration camp. On one such visit in 1942 Kaltenbrunner personally observed the gas chamber in action. I now offer Document 2753-PS as exhibit next in order. U.S.A. Exhibit 515. This is the affidavit of Alois Hoellriegl, former guard at Mauthausen concentration camp. The affidavit states, and I quote:

"I, Alois Hoellriegl, being first duly sworn, declare:

"I was a member of the Totenkopf SS and stationed at the Mauthausen concentration camp from January 1940 until the end of the war. On one occasion, I believe it was in the fall of 1942, Ernst Kaltenbrunner visited Mauthausen. I was on guard duty at the time and saw him twice. He went down into the gas chamber with Ziereis, Commandant of the camp at a time when prisoners were being gassed. The sound accompanying the

H0027-0061

gassing operation was well known to me. I heard the gassing taking place while Kaltenbrunner was present.

"I saw Kaltenbrunner come up from the gas cellar after the gassing operation had been completed.

"(Signed) Hoellriegl."

H0027 – 0062

On one occasion Kaltenbrunner made an inspection of the camp grounds at Mauthausen with Himmler and had his photograph taken during the course of the inspection. I offer Document 2641 as exhibit next in order, USA Exhibit 516.

THE PRESIDENT: 2641, you said?

LT. HARRIS: Yes, sir, 2641-PS. This exhibit consists of two affidavits and a series of photographs. Here are the original photographs in my hand. The original photographs are the small ones which have been enlarged, and those in the document book are not very good reproductions, but the Tribunal will see better reproductions which are being handed to it.

DR. KAUFMANN (Counsel for Defendant Kaltenbrunner): The whole accusation has been brought forward; all the same, I feel bound to make a motion on principle. I could have made this motion this morning just as well. It is in reference to the question whether affidavits may be read or not. I know that this question has already been the subject of consultation by the Tribunal and that the Tribunal has already decided this question in a certain manner, but if I might ask this question be decided once more, there is a special reason for it.

Every trial is something dynamic. What was correct at that time may at a later point be wrong. The most important trial in history rests in certain important points on the reading of evidence which from the side of the Prosecution is given to us according to their maxims.

The reading of affidavits is not satisfactory in the long run. The need is grave from hour to hour to see, if possible, the witness for the Prosecution and to hear him and to be able to investigate his credibility and his memory. There are many witnesses, so to speak, at the door of this Courtroom, and they need only be called in. To hear the witness at a later stage--that is n sufficient. It is not certain whether the Tribunal will admit the hearing of that particular witness on the same subject. I therefore oppose the further reading of the affidavit now. The meaning of Paragraph 19 of the Charter must not be killed by literal interpretation.

THE PRESIDENT: Is your application that you want to cross examine the witness or is your application that the affidavit should not be read?

H0027 - 0063

DR. KAUFMANN: The latter.

THE PRESIDENT: That the affidavit should not be read?

DR. KAUFMANN: Yes.

THE PRESIDENT: Are you referring to the affidavit of Hoellriegl, 2753-PS?

DR. KAUFMANN: Yes.

(Off the record discussion by the Tribunal.)

THE PRESIDENT: The Tribunal is of the opinion that the affidavit, which is upon a relevant point, upon a material point, is evidence which ought to be admitted under Article 19 of the Charter, but they will consider any motion which Counsel for Kaltenbrunner may think fit to make for cross examination of the witness who made the affidavit if he is available and could be called.

You were dealing with these photographs, weren't you?

LT. HARRIS: Yes, sir. They had been offered in evidence as the exhibit next in order, and I wish to refer to the first affidavit accompanying them, which appears in the document book.

THE PRESIDENT: Yes.

LT. HARRIS: It being the affidavit of Alois Hoellriegl.

THE PRESIDENT: Yes. You had handed up the affidavit at the same time, hadn't you?

LT. HARRIS: Yes. That affidavit states, and I quote:

"I was a member of the Totenkopf SS and stationed at the Mauthausen concentration--"

THE PRESIDENT: Is the only copy in English this thing we can't read?

LT. HARRIS: Sir, it is the preceding affidavit.

THE PRESIDENT: Yes, very well.

LT. HARRIS: (Reading) "I was a member of the Totenkopf SS and stationed at the Mauthausen concentration camp from January 1940 until the end of the War. I am thoroughly familiar with all of the buildings and grounds at Mauthausen concentration camp. I have been shown Document 2641-PS, which is a series of six photographs. I recognize all of these photographs as having been taken at Mauthausen concentration camp. With respect to the first photograph I positively identify Heinrich Himmler as the man on the left, Ziereis, the commandant of Mauthausen concentration camp in the center, and Ernst Kaltenbrunner as the man on the right."

H0027 - 0064

THE PRESIDENT: He doesn't say, does he, at what date the photographs were taken?

LT. HARRIS: No, sir, I have no evidence as to what date the photographs were taken, Sir.

THE PRESIDENT: Just that Kaltenbrunner was there, yes?

LT. HARRIS: Just that Kaltenbrunner was there at some time in the company of Ziereis and Himmler.

THE PRESIDENT: Yes.

LT. HARRIS: With full knowledge of conditions in and the purposes of concentration camps, Kaltenbrunner ordered or permitted to be ordered in his name the commitment of persons to concentration camps.

I offer Document L-38 as exhibit next in order, USA Exhibit 517. This is the affidavit of Hermann Pister, the former commandant of Buchenwald concentration camp, which was taken on 1 August 1945 at Freising, Germany, in the course of an official military investigation by the United States Army, and I quote from it as follows, beginning with the second paragraph:

"With exception of the mass delivery of prisoners from the concentration camps of the occupied territory all prisoners were sent to the concentration camp Buchenwald by order of the Reichssicherheitshauptamt, Berlin. These orders for protective custody (red forms) were in most cases signed with the name 'Kaltenbrunner'. The few remaining protective custody orders were signed by 'Foerster'."

H0027 - 0065

I now offer Document 2477-PS as exhibit next in order, USA Exhibit No. 518. This is the affidavit of Willy Litzenberg, former Chief of Department IV A 1 b of the RSHA. This document reads in part as follows, and I quote, beginning with the second paragraph:

"The right of summary taking into protective custody belongs to the Directors of the State Police H.Q.'S or State Police Offices; previously for a period of 21 days, later, I think, for a period of 56 days. Custody exceeding this time had to be sanctioned by the competent Office for Protective Custody in the RSHA. The Regulations for Protective Custody or the signing of the Protective Custody Order could only be issued through the Director of the RSHA as Chief of the SIPO and SD. All Regulations and Protective Custody Orders that I have seen bore a facsimile stamp of Heydrich or Kaltenbrunner. As far as I can remember I have never seen a document of this kind with another name as signature. How far and to whom the Chief of the SIPO and SD possibly gave authority for the use of his facsimile stamp, I do not know. Perhaps the Chief of Amt IV possesses a similar authority.

"The greater part of the Protective Custody Office was transferred to Prague. Only one staff remained in Berlin."

I now offer Document 2477-PS as Exhibit next in order, USA Exhibit 518. This is an affidavit of witness Willy Litzenberg, former Chief of the Department IV A.

This is an order, under 2745-PS, under date of 7 July 1943, which was found at the former office of the section of the Gestapo which handled protective custody matters in Prague. It was an order to the Prague office to send a teletype message to the Gestapo office at Koeslin, ordering protective custody of one Ratzke and her commitment to the concentration camp at Ravensbruck for refusing to work. The order carries the facsimile signature of Kaltenbrunner. At the bottom of the page the Tribunal will note the facsimile stamp of Kaltenbrunner.

I next refer to Document L-215, which has heretofore been received as USA Exhibit 243, and which contains twenty-five orders for arrest issued out of the Prague office of the RSHA to the Einsatz.

H0027 - 0066

THE PRESIDENT: Which number are you dealing with now?

LT. HARRIS: Dealing with Document L-215. I believe the Tribunal will recall this document, which has heretofore been received in evidence, and which contains twenty-five orders for arrest issued out of the Prague office of the RSHA to the Einsatz Commando of Luxembourg, all of which carry the typed signature of Kaltenbrunner. And the Court will remember, and I am holding up the original document, that these arrest orders were the red forms which the Commandant of Buchenwald referred to in his affidavit as being the forms which he saw coming from RSHA committing persons to Buchenwald.

The concentration camps to which persons were committed, according to Document L-215, by Kaltenbrunner, included Dachau, Natzweiler, Sachsenhausen, and Buchenwald.

THE PRESIDENT: What was the date of it?

LT. HARRIS: The most of these, sir, were in 1944. I believe they are all in 1944.

THE PRESIDENT: Does it appear on the document; does it or doesn't it?

LT. HARRIS: It does appear, sir, on the original document, yes. The first page of this translation is a summation of all of these. There is only one of the dossiers which has been translated in full, and the date on that one is 15-2-1944.

THE PRESIDENT: Yes; I see.

LT. HARRIS: Among the grounds specified on these orders carrying the typed signature of Kaltenbrunner were, quoting:

"Strongly suspected of working to the detriment of the Reich; spiteful statements inimical to Germany as well as aspersions and threats against persons active in the National Socialist Movement; strongly suspected of aiding desertion."

I now offer Document 2239-PS as Exhibit next in order, USA Exhibit 520; that is 2239-PS. This is a file of forty-two telegrams sent by the Prague office of the RSHA to the Gestapo office at Darmstadt, and they all carry the teletype signature of Kaltenbrunner. These commitment

H0027-0067

orders were issued during the period from 20 September 1944 to 2 February 1945. The concentration camps to which Kaltenbrunner sent these people included Sachsenhausen, Ravensbruck, Buchenwald, Bergen-Belsen, Flossenburg, and Theresienstadt. Nationalities included Czech, German, French, Dutch, Italian, Corsican, Lithuanian, Greek, and Jews. Grounds included refusal to work, religious propaganda, sex relations with PW'S, communist statements, loafing on the job, working against the Reich, spreading of rumors detrimental to morale, action Gitter, breach of work contracts, statements against Germany, assault of foreman, defeatist statements, and theft and escape from jail.

Not only did Kaltenbrunner commit persons to concentration camps, but he authorized executions in concentration camps. I now offer Document L-51 as Exhibit next in order, Exhibit USA 521. This is the affidavit of Adolf Zutter, the former adjutant of Mathausen concentration camp, in the course of an official military investigation of the United States Army, on 2 August 1945, at Linz, Austria. This affidavit states, and I am quoting from paragraph 3:

"Standartenfuehrer Ziereis, the commander of Camp Mauthausen, gave me a large number of execution orders after opening the secret mail, because I was the adjutant and I had to deliver these to Obersturmfuehrer Schulz. These orders of execution were written approximately in the following form."

There follows in the affidavit a description of the order for execution issued by the RSHA to the commander of the concentration camp Mathausen. I omit quoting that description and continue at the next paragraph:

H0027 - 0068

"Orders for execution also came without the ame of the court of justice. Until the assassination of Heydrich, these orders were signed by him or by his competent deputy. Later on the orders were signed by Kaltenbrunner, but mostly they were signed by his deputy, Gruppenfuehrer Mueller.

"Dr. Kaltenbrunner, who signed the above mentioned orders, had the rank of SS General (SS Obergruppenfuehrer) and was the Chief of the Reich Security Main Office.

"Dr. Kaltenbrunner is about 40 years old, height about 1.76 to 1.80 meters, and has deep fencing scars on his face.

"When Dr. Kaltenbrunner was only a Higher SS and Police Officer he visited the camp several times, later on as the Chief of Reich Security Main Office RSHA he visited the camp too, though this occurred much less frequently. During these visits, the commander usually received him outside the building of the camp headquarters and reported. Concerning the American military mission, which landed behind the German front in the Slovakian or Hungarian area in January, 1945, I remember when these officers were brought to Camp Mauthausen. I suppose the number of arrivals was about 12 to 15 men. They were in uniform, which was American or Canadian, brown-green color shirt and cloth cap. Eight or ten days after their arrival the execution order came in by telegraph or teletype. Standartenfuehrer Ziereis came to me into my office and told me: 'Now Kaltenbrunner has given the permission for the execution'. This letter was secret and had the signature 'signed Kaltenbrunner'. Then these people were shot according to marshal law and their belongings were given to me by Obersharfuehrer Niedermeier."

The fifth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD was the deportation of citizens of occupied territories for forced labor and the disciplining of forced labor.

I am sure the Tribunal will recall, without referring to it, Document 3012-PS, which has heretofore been received as USA Exhibit 190. That was the letter from the head of the Sonderkommando of the Gestapo and SD, which stated that the Ukraine would have to provide a million workers

H0027 - 0069

for the armament industry and that force should be used when necessary. That letter was dated 19 March 1943.

Kaltenbrunner's responsibility for the disciplining of foreign labor is shown by Document 1063-B-PS, which has heretofore been received as USA Exhibit 492. No part of this letter has been read into the record. This letter dated 26 July 1943, that is, 1063-B, Sir, was addressed to Higher SS and Police Leaders, Kommanders and Inspectors, and the Gestapo and SD, and to the Chiefs of Einsatz Groups B and D.

The Tribunal will recall that Einsatz Groups A, B, C, and D, reporting in the East, carried out the extermination of Jews and Communist leaders. This document proves Kaltenbrunner's control over Einsatz Groups B and D. This document is signed "Kaltenbrunner." The first paragraph provides as follows:

"The Reichsfuehrer SS has given his consent that besides concentration camps, which come under the jurisdiction of the SS Economic Administration Main Office, further labor reformatory camps may be created, for which the Security Police alone is competent. These labor reformatory camps are dependent on the authorization of the Reich Security Main Office, which can only be granted in case of emergency (great number of foreign workers, and so forth)."

I now offer Document D-473 as Exhibit next in order, USA Exhibit 522. It should be right at the beginning of the Document Book. This letter signed "Kaltenbrunner" was sent by him under date of 4 December, 1944, to Regional Offices of the Criminal Police.

The Tribunal will recall that Kaltenbrunner's responsibility covered the Criminal Police as well as the Gestapo. It provides in part, and I quote, reading at the beginning of the letter:

"According to the Decree of 30 June 1943, crimes committed by Polish and Soviet-Russian civilian laborers are being prosecuted by the State Police (Head) Offices, and even in those cases, where for the time being the Criminal Police had, within the sphere of its competence, carried on the inquiries. For the purpose of speeding up the process and in order to save manpower, the Decree of 30 June 1943 is altered, and the Criminal

H0027-0070

Police (Head) Offices are authorized as from now on to prosecute themselves the crimes they are inquiring into, within the sphere of their competence, in so far as they are cases of minor or medium crimes."

I begin with the second paragraph:

"The following are available to the Criminal Police as a means of prosecution:

"Police imprisonment.

"Admission into a concentration camp for preventive custody as being anti-social or dangerous to the community."

And next to the last paragraph:

"Their stay in the concentration camp is normally to be for the duration of the war. Besides this, the Criminal Police (Head) Offices are authorized to hand over Polish and Soviet-Russian civilian labourers in suitable cases and with the agreement of the competent State Police (Head)Offices to the Gestapo's penal camps for the 'education of labour'. Where the possibilities of prosecuting an individual case are insufficient because of the peculiarity of the case, the incident is to be handed over to the competent State Police (Head) Office.

"Signed: Dr. Kaltenbrunner."

In addition to sending foreign workers to Gestapo labor camps, Kaltenbrunner punished foreign workers by committing them to concentration camps. I offer Document 2582-PS as exhibit next in order, USA Exhibit 523.

H0027 - 0071

This is a series of four teletype orders committing individuals to concentration camps. I invite the attention of the Tribunal to the second order dated 18 June 1943 under which the GESTAPO at Saarbruecken was ordered to deliver a Pole to the concentration camp Natzweiler as a skilled workman, and to the third teletype dated 12 December 1944 in which the GESTAPO at Darmstadt was ordered to commit a Greek to the concentration camp Buchenwald because he was drifting around without occupation, and to the fourth teletype dated 9 February 1945 in which the GESTAPO at Darmstadt in Densloin was ordered to commit a French citizen to Buchenwald for shirking work and insubordination. All of those orders are signed KALTENBRUNNER.

I offer Document 2590-PS as exhibit next in order (USA Exhibit ~~542~~ 524). This Document contains three more of these red form orders for protective custody, all signed KALTENBRUNNER. The first one shows that a citizen of the Netherlands was taken into protective custody for work sabotage, and the second one shows that a French citizen was taken into protective custody for work sabotage and insubordination, both under date 2 December 1944.

The sixth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the executing of captured commandos and paratroopers and the protecting of civilians who lynched allied flyers.

The Tribunal will recall, I am sure, without referring to it, the Hitler Order of 18 October, 1942, which was introduced this morning, Document 498-PS, USA Exhibit 501, to the effect that commandos, even in uniform, were to be exterminated to the last man, and that individual members captured by the police in occupied territory were to be handed over to the SD.

I now offer Document 1276-PS as exhibit next in order, USA Exhibit 525. This is an express top secret letter from the Chief of the Security Police and SD, signed "Mueller", by order to the Supreme Command of the Armed Forces, in which the Chief of the Security Police and SD states, and I quote from the third paragraph of the second page of the English translation:

"I have instructed the Befehlshaber of the Security Police and the

H0027 - 0072

SD in Paris to treat such parachutists in English uniform as members of the commando operations in accordance with the Fuehrer's order of 18 October 1942 and to inform the military authorities in France that there must be corresponding reatment at the hands of the armed forces."

This letter was dated 17 June 1944. That executions were carried out by the SD pursuant to the said Hitler order of 18 October 1942, while Kaltenbrunner was Chief of the Security Police and SD is indicated by document 526-PS, heretofore received as USA Exhibit 502. That was the order introduced this morning, I'm sure the Tribunal recalls. The policy of the police to protect civilians who lynched allied flyers was effective during the period that Kaltenbrunner served as Chief of the Security Police and SD.

I now offer document 2990-PS as exhibit next in order, USA Exhibit 526. This is an affidavit of Walter Schellenberg, the former Chief of Amt VI of the RSHA, and provides in paragraph 7 -- this is all I'm going to read from the affidavit:

"In 1944, on another occasion but also in the course of an Amtschef conference, I heard fragments of conversation between Kaltenbrunner and Mueller. I remember distinctly the following remarks of Kaltenbrunner:

'All offices of the SD and the Security Police are to be informed that programs of the populace against English and American terror fliers are not to be interfered with. On the contrary, this hostile mood is to be fostered.'"

The seventh crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the taking of civilians of occupied countries to Germany for secret trial and punishment and the punishment of civilians of occupied territories by family methods. The fact that this crime continued after 30 January 1943 is shown by document 835-PS, which is offered as exhibit next in order, USA Exhibit 527. This is a letter from the high command of the armed forces to the German Army's commission under date 2 September 1944. The document begins, and I quote:

"Conforming to the decrees, all non-German civilians in occupied territories who have endangered the security and readiness for action of the occupying power by acts of terror and sabotage or in other ways, are

H0027 - 0073

to be surrendered to the Security Police and SD. Only those prisoners are accepted who were legally sentenced to death or were serving a sentence of confinement prior to the announcement of these decrees. Included in the punishable acts which endanger the security or readiness of action of the garrison power are those also of a political nature."

The eighth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the crime of executing and confining persons in concentration camps for crimes allegedly committed by their relatives. That this crime continued after 30 January 1943 is indicated by document L-37, heretofore received in evidence as USA Exhibit 506. That was received this morning. That is the letter of the Kommandeur of Sipo and SD at Radom, dated 19 July 1944, in which it was stated that the male

H0027-0074

relatives of assassins and saboteurs should be shot and the female relatives over 16 years of age sent to concentration camps. I refer again to Document L-215, which has heretofore been received in evidence as USA Exhibit 243, and specifically to the case of Junker, who was ordered by Kaltenbrunner to be committed to Sachsenhausen concentration camp by the Gestapo "because as a relative of a deserter, he is expected to endanger the interest of the German Reich if allowed to go free."

The ninth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the clearance of Sipo and SD prisons and concentration camps. I refer the Tribunal to Document L-53, which was received in evidence as USA Exhibit 291. This was the letter from the Kommandeur of the Sipo and SD, Radom, dated 21 July 1944 in which it is stated that the Kommandeur of the Sipo and S of the General Government had ordered all Sipo and SD prisons to be cleared and, if necessary, the inmates to be liquidated. I now offer Document 3462-PS as exhibit next in order, USA Exhibit 528. This is the sworn interrogation of Bertus Gerdes, the former Gaustabsamtsleiter under the Gauleiter of Munich. This interrogation was taken in the course of an official military investigation of the U.S. Army. To this interrogation Gerdes was ordered to state all he knew about Kaltenbrunner. I'm only going to read a very small portion of his reply, beginning on the third paragraph of page 2.

"Giesler told me that Kaltenbrunner was in constant touch with him because he was greatly worried about the attitude of the foreign workers and especially inmates of concentration camps Dachau, Muehldorf and Landsberg, which were in the path of the approaching Allied armies. On a Tuesday in the middle of April 1945, I received a telephone call from Gauleiter Giesler asking me to be available for a conversation that night. In the course of our personal conversation that night, I was told by Giesler that he had received a directive from Kaltenbrunner by order of the Fuehrer to work out a plan without delay for the liquidation of the concentration camp at Dachau and the two Jewish labor camps in Landsberg and Muehldorf. The Directive proposed to liquidate the two Jewish labor camps at Landsberg and Muehldorf by use of the German Luftwaffe, since the concentration area of these camps had previously been the targets of

H0027 - 0075

repeated enemy air attacks. This action received the code name of 'Wolke Al'".

I now pass to the second paragraph of page 3, continuing quoting from this interrogation.

"I was certain that I would never let this directive be carried out. As the action Wolke Al should have become operational already for some time, I was literally swamped by couriers from Kaltenbrunner and moreover I was supposed to have discussed the details of the Muehldorf and Landsberg actions in detail with the two Kreisleiter concerned. The couriers who were in most cases SS officers usually SS lieutenants, gave me terse and strict orders to read and initial. The orders threatened me with the most terrible punishment including execution if I did not comply with them. However, I could always excuse my failure to execute the plan because of bad flying weather and lack of gasoline and bombs. Therefore, Kaltenbrunner ordered to have Jews in Landsberg marched to Dachau in order to include them in the Dachau exterminati operations, and that the Muehldorf action was to be carried out by the Gestapo

"Kaltenbrunner also ordered an operation -Wolkenbrand - for the concentration camp Dachau which provided that the inmates of the concentration camp at Dachau were to be liquidated by poison with the exception of Aryan nationals of the Western Powers.

"Gauleiter Giesler received this order direct from Kaltenbrunner and discussed in my presence the procurement of the required amounts of poison with Dr. Harrfeld, the Gau Health Chief. Dr. Harrfeld promised to procure these quantities when ordered and was advised to await my further directions. As I was determined to prevent the execution of this plan in any event, I gave no further instructions to Dr. Harrfeld.

"The inmates of Landsberg had hardly been delivered at Dachau when Kaltenbrunner sent a courier declaring the action Wolkenbrand was operational.

"I prevented the execution of the Wolke Al and Wolkenbrand by giving Giesler the reason that the front was too close and asked him to transmit this on to Kaltenbrunner.

"Kaltenbrunner therefore issued directives in writing to Dachau to transport all Western European prisoners by truck to Switzerland and to march

H0027 - 0076

the remaining inmates into Tyrol, where the final liquidation of these prisoners was to take place without fail."

THE PRESIDENT: The Court will adjourn now.

(Whereupon at 1700 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours on 3 January 1945).

H0027 - 0077

the remaining inmates into Tyrol, where the final liquidation of these prisoners was to take place without fail."

THE PRESIDENT: The Court will adjourn now.

(Whereupon at 1700 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours on 3 January 1945).